

Exhibit B

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK  
3 11 CIV 0691 (LAK)

4  
5 VIDEOTAPED DEPOSITION OF JOHN McDERMOTT  
6 May 21, 2013

7 CHEVRON CORPORATION,  
8 Plaintiff,  
9 against  
10 STEVEN DONZIGER, et al.,  
11 Defendants.

12  
13 Pursuant to Notice and Subpoena, the  
14 videotaped deposition of JOHN McDERMOTT, called by  
15 Defendants, was taken on Tuesday, May 21, 2013,  
16 commencing at 10:05 a.m., at 1801 California Street,  
17 Suite 4200, Denver, Colorado, before Kelly A.  
18 Mackereth, Certified Shorthand Reporter, Registered  
19 Professional Reporter, Certified Realtime Reporter  
20 and Notary Public within Colorado.  
21  
22  
23  
24  
25

<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES:  2 GIBSON DUNN &amp; CRUTCHER LLP  3 200 Park Avenue  4 New York, New York 10166  5 Attorneys for Plaintiff  6 BY: STEPHEN HENRICK, ESQ.  7 (By video conference)  8 shenrick@gibsondunn.com  9 RANDY MASTRO, ESQ.  10 rmaestro@gibsondunn.com  11 (By video conference for portion)  12 RACHEL BROOK, ESQ.  13 (By video conference for portion)  14 rbrook@gibsondunn.com  15 and  16 GIBSON DUNN &amp; CRUTCHER LLP  17 1801 California Street  18 Suite 4200  19 Denver, Colorado 80211  20 Attorneys for Plaintiff  21 BY: ROBERT BLUME, ESQ.  22 rblume@gibsondunn.com  23 ALLISON KOSTECKA, ESQ.  24 akostECKA@gibsondunn.com  25</p> <p>15 GOMEZ LLC  16 111 Quimby Street  17 Suite 8  18 Westfield, New Jersey 07090  19 Attorneys for Defendants Javier  20 Piaguaje Payaguaje and Hugo Gerardo  21 Camacho Naranjo  22 BY: JULIO C. GOMEZ, ESQ. (For Portion)  23 (By speakerphone)  24 jgomez@gomezllc.com  25</p> <p>21 BROWNSTEIN HYATT FARBER SCHRECK  22 410 Seventeenth Street  23 Suite 2200  24 Denver, CO 80202-4432  25 Attorneys for the Deponent  BY: LAWRENCE W. TREECE, ESQ.  ltreece@bhfs.com</p>	<p style="text-align: right;">Page 4</p> <p>1 *****  2 PROCEEDINGS  3 THE VIDEOGRAPHER: Okay. We are on the  4 record at 10:05. My name is Joel Coriat representing  5 Veritext. The date today is May 21st, 2013. This  6 deposition is being held in the office of Gibson  7 Dunn &amp; Crutcher located at 1801 California Street,  8 Suite 4200 in Denver, Colorado.  9 The caption of this case is Chevron  10 Corporation versus Steven Donziger, et al. in the  11 U.S. District Court, Southern District of New York.  12 The name of the witness is John McDermott.  13 At this time the attorneys will identify  14 themselves and the parties they represent, after  15 which our court reporter, Kelly Mackereth, from  16 Veritext will swear in the witness.  17 MR. BLUME: Your Honor, Robert Blume and  18 Allison KostECKA for Chevron.  19 MR. TREECE: Your Honor, Lawrence W.  20 Treece representing Mr. McDermott. We're both with  21 Brownstein Hyatt Farber &amp; Schreck.  22 MR. GOMEZ: Julio Gomez on behalf of  23 defendants Hugo Gerardo and Javier Payaguaje.  24 THE SPECIAL MASTER: I'm Max Gitter, the  25 Special Master. And with me is my associate Justin</p>
<p style="text-align: right;">Page 3</p> <p>1 CONTINUED APPEARANCE:  2 ALSO PRESENT:  3 HON. MAX GITTER (Ret.),  4 Special Master  5 JUSTIN ORMAND, ESQ., Assistant to the  6 Special Master  7  8  9  10  11  12  13  14  15  16  17  18  19  20  21  22  23  24  25</p> <p style="text-align: center;">*****</p>	<p style="text-align: right;">Page 5</p> <p>1 Ormand.  2 Mr. Gomez, would you please confirm what  3 we know to be the case, that Mr. Donziger has chosen  4 not to be -- attend this deposition?  5 MR. GOMEZ: Yes, that is the case. My  6 understanding is he is traveling with the purpose of  7 chairing substitute counsel.  8 THE SPECIAL MASTER: Thank you, sir.  9 Go ahead.  10 JOHN McDERMOTT,  11 having been first duly sworn, was examined and  12 testified as follows:  13 THE SPECIAL MASTER: I think we're ready.  14 MR. TREECE: Your Honor, if I might,  15 before we start, I asked Mr. Blume's permission to  16 say this. Mr. McDermott is appearing today pursuant  17 to subpoena, and he is also appearing pursuant to a  18 court order issued by the Court on May 17 and an  19 agreement regarding privilege issues entered into by  20 the parties on that date.  21 We anticipate that much of the inquiry of  22 Mr. McDermott will be of material that would  23 otherwise be attorney work product, attorney-client  24 privilege, or client confidences.  25 This arises out of Mr. McDermott and</p>

2 (Pages 2 - 5)

<p style="text-align: right;">Page 6</p> <p>1 Brownstein's former representation of approximately 2 47 of the individual native Ecuadorian plaintiffs in 3 the underlying case. 4 And we interpret the Court's order as 5 requiring Mr. McDermott to testify regardless of any 6 claims of attorney-client privilege, work-product 7 privilege, or client confidences. And Mr. McDermott 8 is prepared to do so. 9 We also interpret the Court's order as 10 relieving Mr. McDermott, me, or Brownstein from 11 interposing any objections based on attorney-client 12 privilege, work product, or client confidences that 13 might otherwise be appropriate to protect the 14 interests of Mr. McDermott and Brownstein's former 15 clients. And we do not intend to interpose any 16 independent objections to protect those interests. 17 Some we understand of the plaintiffs in 18 this action are former clients, and we will answer 19 any question that is asked regardless of whether it 20 may call for protected information, unless objection 21 is made by the defendants, in which case we will not 22 answer until that is resolved and we are ordered to 23 do so. 24 And we will independent of the Court's 25 order treat any failure of defendants to object</p>	<p style="text-align: right;">Page 8</p> <p>1 that correct? 2 A Correct. 3 Q And just to quickly go through a little 4 bit of your background. You are a licensed attorney 5 in the state of Colorado? 6 A Yes. 7 Q Are you licensed to practice law in any 8 other state? 9 A I don't -- I don't believe so. 10 Q Have you sat for the bar in any other 11 state? 12 A I have not sat for the bar in any other 13 state. And just going back to the previous question, 14 I have practiced -- I have been admitted for purposes 15 of practicing in certain other states, but I don't 16 think I'm formally licensed in the sense you may have 17 been asking. 18 Q Okay. Have you ever received a pro hac 19 vice admission for practice in the state of New York, 20 as you recall? 21 A I don't recall. I think I have, but I 22 don't -- in fact, I'm almost certain that I have, but 23 I don't recall the cases. 24 Q Okay. You're a 1981 law graduate from the 25 University of Michigan; is that correct?</p>
<p style="text-align: right;">Page 7</p> <p>1 independently as a waiver of any privilege objection 2 they may have. 3 THE SPECIAL MASTER: Thank you, sir. 4 EXAMINATION 5 BY MR. BLUME: 6 Q Mr. McDermott, how are you today? 7 A I'm fine. Thank you. 8 Q If you could -- and I now forget whether 9 you spelled your last name for the reporter. Did we 10 go through that? 11 If you could state your first and last 12 name and spell your last name. 13 THE SPECIAL MASTER: Mr. Blume, if you 14 could move your microphone or speak up or something. 15 We're having -- at least I'm having trouble hearing 16 you. 17 MR. BLUME: Is this better, Your Honor? 18 THE SPECIAL MASTER: Yes, much better. 19 MR. BLUME: Okay. 20 Q (BY MR. BLUME) If you could state your 21 first and last name and spell your last name for the 22 record, please? 23 A John McDermott, M-c-D-e-r-m-o-t-t. 24 Q And, Mr. McDermott, you're a shareholder 25 at the Brownstein Hyatt Farber &amp; Schreck firm; is</p>	<p style="text-align: right;">Page 9</p> <p>1 A Correct. 2 Q How long have you been at the Brownstein 3 firm, sir? 4 A For just over five years. 5 Q And before that you were at Holme Roberts 6 and Owen; is that correct? 7 A Correct. 8 Q How long were you at the Holme Roberts 9 firm? 10 A Oh, 13 or 14 years. 11 Q Okay. Did you join Brownstein as a 12 shareholder in that firm? 13 A Yes. We have a two-tier shareholder. I 14 joined as an income shareholder and then was 15 subsequently made an equity shareholder. 16 Q What was your status when you -- in 17 January of 2010 when you first got involved with some 18 of the Ecuadorian plaintiffs in this case? 19 A I'm not certain that -- at our firm when 20 they bring a lateral in you have to be an income 21 shareholder for two years before you're considered 22 for equity. So I've been there five years so that -- 23 I'm not sure how that works out. 24 Q But you were -- by shareholder at 25 Brownstein, that's similar to a partner at other</p>

3 (Pages 6 - 9)

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400

<p style="text-align: right;">Page 10</p> <p>1 firms; is that correct?</p> <p>2 A Correct.</p> <p>3 Q Whether income or equity, suffice to say</p> <p>4 in January of 2010 you were a shareholder or a</p> <p>5 partner at the Brownstein firm; is that correct?</p> <p>6 A Correct.</p> <p>7 Q You understand obviously the oath you took</p> <p>8 today; is that correct?</p> <p>9 A Yes.</p> <p>10 Q And that this a deposition, as Mr. Treece</p> <p>11 noted, conducted with -- in connection to a federal</p> <p>12 proceeding in the Southern District of New York. Are</p> <p>13 you aware of that?</p> <p>14 A Yes.</p> <p>15 Q Is there anything that happened in the</p> <p>16 last couple of days which would impede your ability</p> <p>17 to give truthful and honest testimony today?</p> <p>18 A No.</p> <p>19 Q Are you taking any medications or</p> <p>20 otherwise have anything about you which may inhibit</p> <p>21 your ability to give truthful and honest testimony</p> <p>22 today?</p> <p>23 A No.</p> <p>24 Q Have you ever been deposed before, sir?</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 12</p> <p>1 A Yes.</p> <p>2 Q And I will try very hard not to interrupt</p> <p>3 you because the reporter will have a difficult time</p> <p>4 taking down our statements if we speak at the same</p> <p>5 time. And I would ask, similarly, if you would let</p> <p>6 me finish my question, then we can avoid that</p> <p>7 problem.</p> <p>8 Is that okay?</p> <p>9 A Yes.</p> <p>10 Q All right. As Mr. Treece noted earlier,</p> <p>11 there may be objections to portions of your testimony</p> <p>12 either by your attorney, Mr. Treece -- who himself is</p> <p>13 a shareholder at Brownstein; is that correct?</p> <p>14 A Yes.</p> <p>15 Q Okay. -- or by Mr. Gomez, who is on the</p> <p>16 phone. And if you hear an objection, sir, I would</p> <p>17 ask that you delay your response to my question until</p> <p>18 the special master has an opportunity to rule on that</p> <p>19 objection.</p> <p>20 Is that okay?</p> <p>21 A Yes.</p> <p>22 Q Okay. If at any point in time,</p> <p>23 Mr. McDermott, you don't understand my question or</p> <p>24 you feel as though my question is unclear, if you</p> <p>25 could ask me to clarify it to make sure that my</p>
<p style="text-align: right;">Page 11</p> <p>1 Q How many times?</p> <p>2 A Once.</p> <p>3 Q How long ago?</p> <p>4 A Probably 20 years ago.</p> <p>5 Q Okay. And was that in your role as an</p> <p>6 attorney or as a witness or a party?</p> <p>7 A My recollection is that I represented a</p> <p>8 co -- I represented a defendant in a criminal case</p> <p>9 and I was deposed because of some alleged misconduct</p> <p>10 by another defendant, but I don't recall the</p> <p>11 circumstances.</p> <p>12 Q Okay. In the last ten years can I assume</p> <p>13 by the fact that you are a commercial litigator that</p> <p>14 you've been involved in depositions, taken</p> <p>15 depositions and defended depositions in the course of</p> <p>16 your career?</p> <p>17 A Yes.</p> <p>18 Q So you are -- you're familiar with the</p> <p>19 ground rules, I imagine, but I will, if you'll</p> <p>20 indulge me, just go over them briefly so that we're</p> <p>21 clear today.</p> <p>22 You understand, do you not, that for the</p> <p>23 reporter sitting to your right you need to give a</p> <p>24 verbal response and not a head nod or a shake.</p> <p>25 Do you understand that?</p>	<p style="text-align: right;">Page 13</p> <p>1 question -- to make sure that your answers are, in</p> <p>2 fact, answering the question that I tried to</p> <p>3 articulate.</p> <p>4 Is that okay?</p> <p>5 A Yes.</p> <p>6 Q Okay. The special -- the order of the</p> <p>7 special master number 3 indicates that we will take</p> <p>8 two breaks during the morning, and that's our</p> <p>9 practice.</p> <p>10 If, however, you need an additional break</p> <p>11 for whatever reason, so long as a question is not</p> <p>12 pending, if you could just signal to me or ask for a</p> <p>13 break. And with the special master's permission,</p> <p>14 we'll try to accommodate that, okay?</p> <p>15 A Great.</p> <p>16 Q All right. How long, if you can estimate</p> <p>17 for me, did you spend preparing for this deposition,</p> <p>18 sir?</p> <p>19 A I didn't.</p> <p>20 Q Okay. And so by that answer I assume that</p> <p>21 in advance of this deposition specifically you didn't</p> <p>22 review any documents that might refresh your</p> <p>23 recollection at all?</p> <p>24 A That's correct.</p> <p>25 Q All right. Did you participate in the</p>

4 (Pages 10 - 13)

<p style="text-align: right;">Page 14</p> <p>1 document collection and production that your firm did 2 as a result of a subpoena to it? 3 A Yes. 4 Q All right. And are you familiar, sir, 5 that the production was approximately 500 pages, 6 about 75 or so documents; does that sound right? 7 A Yeah, I'm sorry. I don't remember the 8 scope of what was produced. 9 Q All right. During the course of that 10 collection and production, did you have occasion at 11 that point to review some of those documents? 12 And did that review refresh your memory as 13 to things that occurred in and around January and 14 February, March of 2010? 15 A Yes, a bit. Although as I was reviewing 16 the documents, as I recall, I was reviewing for 17 purposes of privilege, I think, rather than 18 substance. 19 Q Okay. I understand from my review of the 20 documents that you worked primarily with two other 21 attorneys at Brownstein in this matter; is that 22 correct? 23 A Correct. 24 Q Michael Hoke, H-o-k-e; is that right? 25 A Yes.</p>	<p style="text-align: right;">Page 16</p> <p>1 firm; do you recall? 2 A I would guesstimate two to three years 3 ago. 4 Q Okay. And did she go to -- did she remain 5 in Denver and go to another firm; do you know? 6 A I think, but I'm not certain, she's an 7 assistant attorney general for the State of Colorado. 8 Q Okay. During the course of the document 9 collection and production, did you work with 10 Mr. Hoke -- well, let me ask you this, was 11 Ms. Englert at the Brownstein firm during the time 12 you collected documents in this matter? 13 A No. 14 Q Okay. Did you work with Mr. Hoke in that 15 effort of collection and production of documents in 16 response to the subpoena? 17 A Yes. 18 Q Before your deposition today -- and I'll 19 frame that to say more broadly let's say within the 20 last six months, have you had occasion to speak to 21 Steven Donziger about this matter or the litigation 22 in New York? 23 A No. 24 Q Do you recall when the last time was that 25 you spoke with Steven Donziger, approximately?</p>
<p style="text-align: right;">Page 15</p> <p>1 Q And he's, as I understand it -- well, and 2 Ericka Englert; am I pronouncing that right? 3 A That's right. 4 Q And as I can put it together, Ericka 5 Englert was a more senior associate at the Brownstein 6 firm in and around the January time frame of 2010; is 7 that right? 8 A Yes. 9 Q And Michael was slightly more junior than 10 Ericka? 11 A Yes. 12 Q Prior to your deposition today, did you 13 have an occasion to speak with either Mr. Hoke or 14 Ms. Englert about your representation of the LAPs in 15 2010? 16 A Well, I haven't spoken with Ericka for a 17 couple years since as they left the firm. I 18 routinely work with Michael Hoke so I speak with him 19 numerous sometimes a day. 20 Yesterday we were talking about a matter 21 that needed some attention and I commented that I 22 would be out of the office. And then I said, I'm 23 giving a deposition in this matter. And he 24 acknowledged that, but we didn't talk substance. 25 Q When did Ms. Englert leave the Brownstein</p>	<p style="text-align: right;">Page 17</p> <p>1 A I can't give you a date, but it would be 2 within a day or two of the -- of e-mails where we 3 talked about withdrawing. 4 Q Okay. So 2010 is fair to -- sometime in 5 the first or second quarter of 2010; is that fair? 6 A Yes. 7 Q There are other lawyers involved in the 8 New York case and have been involved in the New York 9 case, one of whom is on the phone today, Julio Gomez. 10 Have you spoken with him at all? 11 A I don't recall speaking with him. I 12 recall having one discussion with a lawyer, one, 13 maybe two discussions with a lawyer from Texas six to 14 eight weeks ago about the subpoena. 15 Q And if I mention the Smyser law firm, does 16 that sound familiar with the lawyer from Texas? 17 A I don't believe that's the gentleman's 18 name I spoke to. 19 Q Larry Veselka? 20 Thank you. 21 A That may be it. 22 Q Okay. 23 A I'm sorry, I just don't remember. 24 Q And when you say about the subpoena, was 25 that the subpoena that Brownstein received for</p>

5 (Pages 14 - 17)

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400

<p style="text-align: right;">Page 18</p> <p>1 documents or the subpoena to testify today?</p> <p>2 A The former.</p> <p>3 Q Okay. And did you receive any instruction</p> <p>4 from Mr. Veselka about how to respond to the document</p> <p>5 subpoena?</p> <p>6 A Well, I got the sense that he was hoping</p> <p>7 to give me instructions, but I didn't take any</p> <p>8 instructions. I mean, he wanted to talk about</p> <p>9 privilege issues and a host of other things, which</p> <p>10 I -- I didn't know whether it was appropriate. So I</p> <p>11 didn't speak with him.</p> <p>12 Q Okay. When you say you didn't speak with</p> <p>13 him, did you actually have a conversation but not</p> <p>14 speak of those topics or did you simply try to</p> <p>15 arrange an actual phone call and never set it up?</p> <p>16 A My recollection is we did have a brief</p> <p>17 conversation where he wanted to talk, nothing</p> <p>18 inappropriate. I mean, I just think he was concerned</p> <p>19 about waiver issues and -- but I don't believe we --</p> <p>20 we didn't ever have a substantive discussion about</p> <p>21 it.</p> <p>22 Q Have you spoken with anyone from the Keker</p> <p>23 law firm out of Northern California, John Keker or</p> <p>24 any of his associates?</p> <p>25 A I don't believe so.</p>	<p style="text-align: right;">Page 20</p> <p>1 A Yes, I'm sure he did, but all I recall is,</p> <p>2 you know, one of the top law firms in New York.</p> <p>3 Q Do you recall specifically when -- do you</p> <p>4 recall if that was in January of 2010?</p> <p>5 A I don't recall.</p> <p>6 Q Okay.</p> <p>7 MR. BLUME: Your Honor, in front of you is</p> <p>8 a box of documents which are identified by tabs. I</p> <p>9 will identify the document by tab number and then</p> <p>10 assign it an exhibit number beginning with</p> <p>11 Exhibit 4000. So I would ask that you be handed tab</p> <p>12 number 2, which I will label as Exhibit 4000.</p> <p>13 (Exhibit 4000 marked.)</p> <p>14 MR. BLUME: And I will hand a copy of it</p> <p>15 to the witness, as well as one to Mr. Treece.</p> <p>16 And, Mr. Gomez, I understand that there's</p> <p>17 an arrangement made to get you copies of these as</p> <p>18 well.</p> <p>19 MR. GOMEZ: Yes, that's correct. My</p> <p>20 understanding is that I will be e-mailed documents as</p> <p>21 they are marked.</p> <p>22 MR. BLUME: And Ms. Kostecka sitting to my</p> <p>23 right is attempting to do that now. So if you could</p> <p>24 indicate when you've received it. And I will proceed</p> <p>25 with your permission, Mr. Gomez. But if you would</p>
<p style="text-align: right;">Page 19</p> <p>1 Q Throughout the course of this morning,</p> <p>2 Mr. McDermott, I'll ask you a series of questions to</p> <p>3 see what it is you remember, and then I'll try to</p> <p>4 refresh your memory with some documents if you have a</p> <p>5 difficult time.</p> <p>6 So let me start by asking you, do you</p> <p>7 recall back in the January 2010 time frame how you</p> <p>8 first got contacted about getting involved in this</p> <p>9 action in Colorado?</p> <p>10 A Norm Brownstein is the senior name partner</p> <p>11 in our law firm. And Norm -- as I recall, Norm</p> <p>12 summoned me to his office, as he does periodically,</p> <p>13 and said that he I think had received a phone call</p> <p>14 from a friend of his who's a lawyer in New York for</p> <p>15 one of the large Wall Street law firms. And I think</p> <p>16 he said -- I think Norm said that this lawyer</p> <p>17 indicated that his firm was somehow involved in</p> <p>18 working with Mr. Donziger on this case.</p> <p>19 And Norm just told me to call</p> <p>20 Mr. Donziger, as I recall, and I did. And that was</p> <p>21 really -- that's kind of how Norm operates. And he</p> <p>22 wasn't really in the loop anymore. So I just kind of</p> <p>23 took it and ran with it.</p> <p>24 Q Do you recall whether Mr. Brownstein told</p> <p>25 you the name of that firm?</p>	<p style="text-align: right;">Page 21</p> <p>1 I like to see the document first, I'll represent to you</p> <p>2 that Exhibit 4000 are the time sheets from the</p> <p>3 Brownstein firm.</p> <p>4 MR. GOMEZ: That's fine.</p> <p>5 Q (BY MR. BLUME) Okay. If you could thumb</p> <p>6 through Exhibit 4000, Mr. McDermott, and tell me</p> <p>7 whether this, to the best of your knowledge, is an</p> <p>8 accurate reflection of the time sheets between</p> <p>9 January 19th, 2010 and March 24th, 2010 for the</p> <p>10 matter listed here as Daniel Carlos Lusitande</p> <p>11 Yaiguaje, I believe that's a misspelling, and Stratus</p> <p>12 Consulting, care of the law offices of Steven R.</p> <p>13 Donziger.</p> <p>14 Do you see that, sir?</p> <p>15 A Yes.</p> <p>16 Q And is this -- does this fairly and</p> <p>17 accurately reflect to you the form that the time</p> <p>18 sheets at Brownstein get printed on a matter such as</p> <p>19 this?</p> <p>20 A Yes. And I just want to be clear.</p> <p>21 Obviously, these aren't the time sheets. These are</p> <p>22 the bills.</p> <p>23 Q Right. And my mistake, you're right.</p> <p>24 These are the --</p> <p>25 Does this reflect the form of the invoice</p>

6 (Pages 18 - 21)



<p style="text-align: right;">Page 22</p> <p>1 that the Brownstein firm would send to a client in 2 anticipation of payment? 3 A Yes. 4 Q And do you recognize this and can you 5 identify this as, in fact, the invoice the Brownstein 6 firm sent to Steven Donziger for payment in the 7 Payaguaje matter? 8 A Yes, it is. 9 Q Okay. Does looking at this time sheet, 10 Exhibit 4000, refresh your memory as to when you were 11 first contacted about the engagement? 12 A I'm sure it would have been January 18th 13 or 19th of 2010. 14 Q Okay. Looking through this time sheet, 15 sir, I see primarily time of Ms. Englert and Mr. Hoke 16 and your time kind of interspersed. 17 Do you as a practice always reflect all of 18 your time spent on a matter or do you on occasion 19 write off some of your time or not mark some of your 20 time to bill a client? And was that the case in this 21 case? 22 A Well, sometimes I don't bill my time if I, 23 you know, have a short conversation. But I don't 24 recall that there was anything special about this 25 engagement that would have caused me to write off any</p>	<p style="text-align: right;">Page 24</p> <p>1 A Yes. 2 Q Prior to January of 2010 had you done any 3 work or had your firm done any work for Stratus 4 Consulting? 5 A I hadn't, and I don't recall anything 6 coming up in our conflict search. When it was 7 originally anticipated that we might represent them, 8 I don't recall anything in conflicts coming up that 9 suggested that we had previously represented Stratus. 10 Q Okay. Also a part of this firm -- or I'm 11 sorry, a part of this engagement represented were 47 12 purported citizens of Ecuador. And I will hand to 13 you tab 8 and mark it as Exhibit 4001. 14 (Exhibit 4001 marked.) 15 MR. BLUME: And, Mr. Gomez, we are 16 e-mailing Exhibit 4001 to you. I will suggest that 17 it is a draft engagement letter dated 26 February 18 2010 which on the top lists a series of names. 19 Q (BY MR. BLUME) And, Mr. McDermott, do you 20 recognize this as a draft engagement letter prepared 21 by your firm for this matter? 22 A I don't know whether this is a draft or is 23 actually the final. 24 Q Okay. And I only say draft because on 25 the -- on pages 5 of 7, 6 of 7, and 7 of 7 there are</p>
<p style="text-align: right;">Page 23</p> <p>1 significant amount of time. 2 Q Okay. So it's fair to say that most of 3 the efforts of your firm, at least from January to 4 March, would be reflected in the invoice billed to 5 Mr. Donziger in this matter; is that true? 6 A Yes. 7 Q Okay. Before January of 2010 had your 8 firm represented or otherwise worked with Steven 9 Donziger in the past? 10 A I had not and I have no knowledge that 11 our -- anybody at our firm knew Mr. Donziger or had 12 ever worked with him. 13 Q Okay. In the address box of your time 14 sheet, sir, there's a company called Stratus 15 Consulting. 16 Do you see that? 17 A Yes. 18 Q Do you know -- are you familiar with 19 Stratus Consulting? 20 A Generally. 21 Q All right. And I will suggest to you, and 22 we'll talk more about them later, they're a 23 consulting firm out of Boulder, Colorado. 24 Is that consistent with your memory of 25 Stratus Consulting?</p>	<p style="text-align: right;">Page 25</p> <p>1 signature lines that remain unsigned. 2 A Yeah. Yeah, again, I just don't know if 3 this is -- but this is certainly -- 4 Q This is consistent with the form that the 5 Brownstein firm uses? 6 A Yes. 7 Q On the top of page 1 of 7, and that's 8 Bates number DONZ 00054374, is a list of names. And 9 I'll simply ask you to look at those names and tell 10 me whether you or your firm prior to February of 2010 11 had ever represented any of those individuals. 12 A I don't know, but I would be surprised. 13 Q Okay. And do you recall at any point in 14 time up until today, sir, whether you have personally 15 met any of these individuals? 16 A I'm quite certain that I have not. 17 Q Okay. You mentioned earlier, 18 Mr. McDermott, that there was a time when your firm 19 considered representing not only the Ecuadorian 20 plaintiffs from -- well, let me strike that. 21 Do you understand that the names listed 22 here are all plaintiffs in a litigation called the 23 Lago Agria litigation in Ecuador? 24 A Yes. 25 Q Okay. And I will refer to them</p>

7 (Pages 22 - 25)



<p style="text-align: right;">Page 26</p> <p>1 collectively as the LAPs, capital L, capital A, 2 capital P, for Lago Agria plaintiffs, perhaps call 3 them the LAPs. Is that okay? 4 A Yes. 5 Q Okay. And if at any point in my questions 6 you need to identify any particular person within 7 that group, please let me know. 8 You mentioned earlier that you had 9 considered or the firm had considered at one point 10 representing both the LAPs and Stratus Consulting. 11 Do you remember that? 12 A Yes. 13 Q Tell me what you recall about how the 14 discussions of that representation began. 15 A I remember Mr. Donziger asking us if we 16 would represent Stratus. And I don't recall, one of 17 two things happened, I believe. 18 I believe that we either concluded that we 19 were uncomfortable representing Stratus and the LAPs 20 or Stratus decided that they weren't comfortable 21 having us represent everyone and they retained 22 separate counsel. 23 I don't recall which it was, but I believe 24 it was one or the other. 25 Q Let me direct your attention -- or let me</p>	<p style="text-align: right;">Page 28</p> <p>1 A Yeah, it actually does refresh my 2 recollection. And I think that's consistent with -- 3 I mean, I think that's what happened. 4 Q And when you say that's what happened, if 5 you could tell us why it was that the Brownstein firm 6 did not end up representing Stratus in this matter. 7 A I think that Stratus -- 8 MR. GOMEZ: Objection. 9 THE SPECIAL MASTER: Overruled. 10 Q (BY MR. BLUME) You may answer. 11 A I believe that Stratus decided that it 12 wanted -- it did not want us to represent it. 13 Q Okay. Let me ask you this. The e-mails 14 that I -- this e-mail, for example, which was sent to 15 Mr. Treece and to you, is it the ordinary course of 16 the law firm's business to receive e-mails like this 17 about matters in which it's engaged? 18 A Yes. 19 Q And is it -- and are e-mails such as this 20 received in the ordinary course of the business of 21 representing clients? 22 A Yes. 23 Q And does this document 4002 reflect such 24 an e-mail? 25 A Yes.</p>
<p style="text-align: right;">Page 27</p> <p>1 mark tab 7 as Exhibit 4002. 2 (Exhibit 4002 marked.) 3 Q (BY MR. BLUME) And I'm placing before you 4 what has been marked as Exhibit 4002, which on the 5 top is an e-mail dated 18 June 2010 from 6 jayhorowitz@hflit.com to Mr. Lawrence Treece copying 7 you and Tim Beyer. 8 Do you see that? 9 A Yes. 10 Q And we'll get into this e-mail in more 11 detail later, but let me direct your attention -- and 12 feel free to read through it. Let me direct your 13 attention to the bottom of the first page which is 14 Bates No. DONZ 00057507 and ask you, is this -- do 15 you recognize this e-mail as an e-mail the bottom 16 part of which was written by Mr. Treece to Jay 17 Horowitz sometime in June of 2010? 18 A Well, I don't -- I don't recall this 19 e-mail, although I don't have any reason to believe 20 it's not what it appears to be. 21 Q Okay. And just, if you could read the 22 last paragraph on that first page and tell me whether 23 that refreshes your recollection about why it was 24 that the Brownstein firm opted not to represent the 25 Stratus company at the time.</p>	<p style="text-align: right;">Page 29</p> <p>1 Q At some point in time there was a 2 discussion about who would sign Brownstein's 3 engagement letter on behalf of the LAPs. 4 Do you recall that discussion? 5 A I very generally describe -- I very 6 generally recall a discussion within the firm, I 7 believe, as to how we would go about getting 8 authorized to represent the plaintiffs. But I'm 9 sorry, I don't recall with any specificity. 10 Q Okay. Let me direct your attention to 11 document 4001 again in front of you, that's your 12 engagement letter. On page 5 of 7 -- I'm sorry, 6 of 13 7 and 7 of 7, that's DONZ 00054374 and 54374. 14 Well, that's interesting. There's two 15 identical Bates numbers but different page numbers. 16 In fact -- all right. I see, the whole document is 17 54374 with different pages. 18 So page 6 of 7 reflects a signature line 19 for a gentleman named Pablo Fajardo on behalf of a 20 series of names. 21 Do you see that? 22 A Yes. 23 Q Do you know who Pablo Fajardo is? 24 A No. 25 Q On page 7 of 7 there's a signature line</p>

8 (Pages 26 - 29)

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400

<p style="text-align: right;">Page 30</p> <p>1 for Luis Yanza on behalf of another series of names.  2 Do you see that?  3 A Yes.  4 Q And do you know who Luis Yanza is?  5 A No.  6 Q By that answer, can I assume, sir, that  7 you've never spoken or corresponded directly with  8 Pablo Fajardo?  9 A I have no recollection of that.  10 Q And by that, can I also assume that you at  11 least have no recollection of speaking directly or  12 corresponding with Luis Yanza?  13 A Yes.  14 Q Sitting here today, do you have any idea  15 what role they play in any related litigation,  16 including the Lago Agria litigation?  17 A No.  18 Q And you can keep 4001 in front of you.  19 Who was responsible -- who did you understand to be  20 responsible for paying the law firm's fees in this  21 matter?  22 A Mr. Donziger.  23 Q And, in fact, was Mr. Donziger your  24 primary point of contact for your clients or with  25 your clients?</p>	<p style="text-align: right;">Page 32</p> <p>1 that is or was a discovery proceeding for the  2 collection of certain information in the United  3 States for proceedings outside the United States; is  4 that correct?  5 A Yes.  6 Q Okay. And directing your attention to the  7 second paragraph in your engagement letter where you  8 say that your role was, quote, to develop and  9 implement strategy and to defend and manage the  10 Colorado matter.  11 Do you see that?  12 A Yes.  13 Q And the Colorado matter, sir, is the 1782  14 petition matter; is that correct?  15 A Yes, that's a defined term in the  16 preceding paragraph.  17 Q All right. And that's -- all right.  18 And when it says in the next sentence, We  19 will take direction from you on their behalf and  20 expect that you will keep the clients informed about  21 the Colorado matter, you is Steven Donziger; is that  22 correct?  23 A Correct.  24 Q And the clients are the 47 individuals,  25 the LAPs?</p>
<p style="text-align: right;">Page 31</p> <p>1 A I believe the exclusive point of contact.  2 You know, that's not true. There was -- I believe  3 there was a lawyer in New York who was representing  4 Mr. Donziger's clients in a case on the East Coast or  5 maybe even some arbitration-type proceeding in Europe  6 who I recall speaking with on one or two occasions.  7 Q And let me ask you, sir, do you recognize  8 the name Eric Bloom from Winston &amp; Strawn?  9 A I faintly recall that name.  10 Q Okay. And by an arbitration-type  11 proceeding, are you familiar with the bilateral  12 investment treaty arbitration, the BIT proceeding  13 that was going on in and around this time of January  14 2010?  15 A Only familiar to the extent it came up in  16 this -- I recall now that we talked about it.  17 Q Okay.  18 A But I don't -- I wasn't involved in it, as  19 I recall.  20 Q With regard to direction about your  21 activity -- well, did you understand you and your  22 firm were being hired to represent these individuals  23 in a proceeding under 28 U.S.C. 1782, Section 1782?  24 A Yes.  25 Q And you understand that was a discovery,</p>	<p style="text-align: right;">Page 33</p> <p>1 A Yes.  2 Q And then it goes on to say, Moreover, it  3 is our understanding that the Donziger firm will pay  4 all costs and fees as discussed further below billed  5 by my firm related to the Colorado matter.  6 Was that, in fact -- you mentioned this  7 other lawyer. Was it, in fact, your understanding  8 that Donziger and Donziger's firm would exclusively  9 pay all costs and fees?  10 A Yes.  11 Q And was it your understanding that with  12 regard to how you would conduct yourself in the 1782  13 and the information needed, that would come  14 exclusively from Mr. Donziger?  15 A Yes.  16 Q Did you have occasion, sir, at all or do  17 you know a gentleman by the name of Andrew Woods; is  18 that name familiar?  19 A It's not.  20 Q Okay. What about Laura Garr?  21 A I have no recollection of that name.  22 Q Aaron Page?  23 A Same answer.  24 Q Okay. When you were first engaged in this  25 matter, Mr. McDermott, do you recall receiving</p>

9 (Pages 30 - 33)

<p style="text-align: right;">Page 34</p> <p>1 information, background information from Mr. Donziger 2 or an associate of Mr. Donziger? 3 A Yes. 4 Q And let me direct your attention to tab 5 22, please. And it's -- 22-A is the cover e-mail and 6 22-B is the attachment. I will identify them as 7 4003-A and 4003-B. 8 (Exhibits 4003-A and 4003-B marked.) 9 MR. BLUME: And, Mr. Gomez, I will suggest 10 4003-A is an e-mail dated 19 January 2010 from Steven 11 Donziger to John McDermott and 4003-B is a petition, 12 a complaint -- I'm sorry, a complaint to stay 13 arbitration with a file stamp from the Southern 14 District of New York dated 14 January 2010. 15 MR. GOMEZ: Thank you. 16 Q (BY MR. BLUME) Mr. McDermott, do you see 17 4003-A and do you recognize that as I've identified 18 it, an e-mail to you from Mr. Donziger dated 19 19 January 2010? 20 A Yeah, I don't have any recollection of 21 this. I don't have any doubt that it is what it 22 appears to be. 23 Q Okay. Whether you have recollection of 24 this specific e-mail, do you recall receiving this 25 petition or this complaint from the Southern District</p>	<p style="text-align: right;">Page 36</p> <p>1 describing those litigations? 2 THE DEPONENT: Can I answer that? 3 MR. TREECE: Yes. 4 A Well, I mean, I remember, my recollection 5 of Mr. Donziger is that -- of the discussions is -- 6 you know, he talked about the litigation in Ecuador, 7 as you would expect, as an advocate. He felt very 8 strongly that Chevron had acted improperly. 9 And he characterized -- I would say the 10 theme of what he told me was they're losing there and 11 so they're going to try to pursue litigation in other 12 forums as a prophylactic of what was happening in 13 Ecuador. 14 Q Okay. And by there, you mean Ecuador? 15 A Yes. 16 Q Do you recall whether Mr. Donziger 17 described for you in any more detail about the 18 components of the Lago Agria litigation? 19 And I can be more specific. Do you recall 20 him mentioning a gentleman by the name of Richard 21 Cabrera? 22 A Yes. 23 Q And do you recall what he said to you 24 about Mr. Cabrera? 25 MR. GOMEZ: Objection. Privileged.</p>
<p style="text-align: right;">Page 35</p> <p>1 of New York to stay the BIT arbitration and -- well, 2 do you recall receiving it specifically? 3 A After reading the first numbered paragraph 4 on page 3, it actually does refresh my recollection 5 of receiving this from somebody at sometime. 6 Q Okay. And 4003-A the e-mail says, the 7 last sentence from Mr. Donziger, quote, the petition 8 contains a pretty good fact section on the history of 9 the case and what happened in Ecuador. 10 Prior to January 19th, 2010, did you have 11 any background information, whatsoever, about the 12 Ecuadorian litigation involving individual plaintiffs 13 and Chevron? 14 A I have a general recollection of the first 15 time I spoke with Mr. Donziger, first or second time, 16 and I don't recall when that was. 17 I have a general recollection that he 18 spent some time talking to me about what was going 19 on. 20 Q And by what was going on, do you mean to 21 say in the Ecuadorian litigation or in the litigation 22 going on in the Southern District of New York? 23 A Both. 24 Q Okay. Do you have a recollection today 25 even generally of the types of things he told you in</p>	<p style="text-align: right;">Page 37</p> <p>1 THE SPECIAL MASTER: Overruled. 2 A As I sit here today, all I can recall 3 is -- I mean, I know there was extensive discussion 4 about Mr. Cabrera. But as I sit here today, all I 5 recall him saying is that Mr. Cabrera was either a 6 court appointed expert or maybe an expert for the 7 plaintiffs and that Cabrera was doing some, writing 8 some report on the Court's behalf or somebody's 9 behalf. But I recall that Cabrera was a focus of our 10 discussions. 11 Q (BY MR. BLUME) Let me direct your 12 attention in Exhibit 4003-B to page 14 of 22, 13 paragraph 29 and ask you if you would just take a 14 moment to peruse paragraphs 29, 30, and 31. 15 A Through 31? 16 Q Yes, sir. 17 A I've reviewed those three paragraphs. 18 Q These are three paragraphs from the 19 documents sent to you, that is the complaint to stay 20 the arbitration. 21 Do reading those three paragraphs refresh 22 your recollection more specifically about the things 23 Mr. Donziger was telling you about Richard Cabrera? 24 A Yes. 25 Q And let me ask you this, are these three</p>

10 (Pages 34 - 37)

<p style="text-align: right;">Page 38</p> <p>1 paragraphs consistent with what Mr. Donziger told you 2 about Mr. Cabrera in January of 2010? 3 A Well, generally speaking. I don't 4 recall -- 5 MR. BLUME: I'm sorry? 6 THE SPECIAL MASTER: Mr. Gomez. 7 MR. GOMEZ: Privilege. 8 THE SPECIAL MASTER: Why don't we ask the 9 witness to leave the room. 10 (The deponent left the room.) 11 MR. TREECE: He's gone, Your Honor. 12 THE SPECIAL MASTER: Okay. Mr. Gomez, 13 what privilege are you asserting? And I'm raising it 14 now because I'm going to make some comment that I 15 hope will avoid an awful lot more privilege rulings 16 because my comments are going to apply to a great 17 deal of what goes on here today. 18 So what privilege are you asserting? 19 MR. GOMEZ: Understood. I'm asserting the 20 privilege of my client based on the witness' 21 testimony Mr. Donziger was acting on behalf of the 22 Lago Agria plaintiffs, including my clients Hugo and 23 Javier. 24 The question goes to communication between 25 Mr. Donziger and the witness. It is attorney-client</p>	<p style="text-align: right;">Page 40</p> <p>1 prepared to accept the ruling on the grounds of 2 waiver, I do not need to reach, and as I told you 3 before, I try very hard not to reach the subject of 4 crime fraud. And I successfully did that throughout 5 the 1782 and I have successfully so far done it in 6 this case. But if you want me to reach it, I will. 7 But if you don't want me to reach it, then please 8 accept my threshold ruling for why the privilege 9 neither this -- neither the attorney-client 10 privilege, nor the work-product privilege apply. 11 MR. GOMEZ: Thank you, Mr. Gitter. My 12 position is that while I reserve the right to appeal 13 your ruling, I understand it, and I do not believe 14 that there is a need to reach the crime fraud. 15 THE SPECIAL MASTER: Well, I'm going to 16 instruct the witness to answer the question. 17 MR. GOMEZ: I understand. 18 THE SPECIAL MASTER: And I actually have a 19 problem with your reserving here. If this were a 20 witness in New York and readily subject to the 21 jurisdiction of the court, I would -- you know, I 22 would go along with you. 23 But we have here a witness who was hard to 24 schedule in the first place. He is not subject to 25 the subpoena power of the court. As you well know,</p>
<p style="text-align: right;">Page 39</p> <p>1 communication and it's protected. 2 THE SPECIAL MASTER: I'm overruling the 3 objection, and I'll explain why first. 4 First of all, there was a total waiver, as 5 I think I mentioned to you before. During the 6 deposition of Mr. Donziger in the 1782 action, he 7 testified for literally scores of pages about the 8 proceeding in Colorado, his relationship with the 9 Brownstein firm, and every other aspect of the 10 proceeding in Colorado at tremendous length, 11 literally scores of pages without the slightest 12 objection made on privilege grounds by anybody 13 representing the LAPs. 14 The Emery Celli firm was there for some of 15 that testimony and the Motley Rice firm was there for 16 some of that testimony representing the LAPs. And as 17 I say, not one privilege objection was made. 18 Now, so that's the waiver. So I am 19 overruling it on grounds of a waiver by dint of the 20 testimony allowed -- subject matter waiver by dint of 21 the testimony allowed to be given without objection 22 for many hours in the 1782. 23 Now, I can turn to the subject of the 24 crime fraud exemption, if you want me to, Mr. Gomez. 25 And I'm certainly ready to do so. But if you are</p>	<p style="text-align: right;">Page 41</p> <p>1 the time available for fact discovery is very 2 limited. And I think it extraordinarily unlikely 3 that we'll ever be able to come back to this witness 4 for additional testimony within, you know, the time 5 available. 6 So if you don't accept my waiver ruling, I 7 fear I may have to go to the crime fraud exemption. 8 If you like, as I think I've told you -- I know I've 9 told you before, that we can identify for you the 10 pages. 11 In fact, we are able because of the magic 12 of electronics to actually send you some of those 13 pages or Mr. Ormand, who has just read this stuff 14 again, can give you a couple of choice examples from 15 the transcript and give you a bunch of page 16 references, whichever you want. 17 But I fear, Mr. Gomez, in this instance 18 where we have a none New York witness and where we're 19 so pressed for time in meeting the discovery deadline 20 that I cannot take a chance of, you know, not 21 reaching the crime fraud exception if you're not 22 prepared to accept a waiver. 23 MR. GOMEZ: Mr. Gitter, so I understand 24 the situation, are you asking me to waive my client's 25 right to appeal?</p>

11 (Pages 38 - 41)

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400

<p style="text-align: right;">Page 42</p> <p>1 THE SPECIAL MASTER: No. If -- no, I'm 2 not asking you to waive your client's right to 3 appeal. However, if you are not prepared to accept 4 the waiver ground, the antecedent waiver ground for 5 my ruling, I fear I may have to go to the crime fraud 6 ground as well. And then you can appeal whatever you 7 like. 8 I mean, the witness is going to answer the 9 question anyway because I can instruct you to 10 instruct them to answer it. And, indeed, I have 11 under my power of appointment the right in paragraph 12 2A to direct witnesses to answer questions for making 13 rulings on questions of privilege. 14 And, furthermore -- 15 MR. GOMEZ: And I don't -- 16 THE SPECIAL MASTER: Wait a minute. 17 MR. GOMEZ: I'm sorry. 18 THE SPECIAL MASTER: Just a minute. And, 19 furthermore, the Brownstein letter to Judge Kaplan on 20 Friday, which I reread this morning, states that if 21 an objection is made on privilege grounds by somebody 22 representing the LAPs, they will withhold testifying 23 or whatever until the matter is resolved by the 24 special master or the Court. 25 So once I resolve the matter, then the</p>	<p style="text-align: right;">Page 44</p> <p>1 opportunity to then address that ruling during the 2 briefing anticipated in the future, sure, I have no 3 problem with that. 4 THE SPECIAL MASTER: I think we'll go 5 ahead on that basis. Let's move on. I think you 6 will find that the waiver is ample and you will not 7 need for me to go into the crime fraud exception. 8 Okay. 9 MR. TREECE: Your Honor, let me -- 10 THE SPECIAL MASTER: And you should 11 assume -- you should assume, therefore, that in each 12 instance, unless I say to the contrary, that in each 13 instance the bases for my overruling an objection 14 based on privilege are going to be the waiver I 15 described and the crime fraud exception, okay? 16 MR. GOMEZ: Very well. Mr. Gitter; just 17 so I don't -- just so I understand about preserving 18 the record, do you still want to -- should we just 19 assume that those objections are preserved going 20 forward with your ruling or do I need to actually say 21 objection, privilege as we go forward? 22 THE SPECIAL MASTER: I think you need to 23 say objection, privilege as we go forward. You're 24 not going to get -- that doesn't interrupt very 25 much --</p>
<p style="text-align: right;">Page 43</p> <p>1 testimony will be given. 2 MR. GOMEZ: And I understand that and I 3 understand you have that authority and I understand 4 that the witness will be instructed to answer and 5 will give an answer. And I don't have a problem 6 proceeding that way. 7 I simply want to reserve my right, my 8 client's right to be able to assess the citations 9 that were put on the record at the beginning of the 10 deposition and to assess whether that waiver is as 11 broad and should apply in this case. That requires 12 some time and legal research. I don't want to delay 13 the deposition. I would like it to go forward. 14 I don't want to give up the opportunity to 15 review and at a later time if I come to a conclusion 16 that the waiver does not apply as broadly as it is 17 going to be applied, I would like an opportunity to 18 present that for an appeal. 19 THE SPECIAL MASTER: Then I need the 20 following from you. I need a representation that if 21 you do that, I may -- and if you ask me not to now 22 rule on the crime fraud exception, that if you take 23 an appeal, that I may present my ruling on crime 24 fraud to Judge Kaplan. 25 MR. GOMEZ: As long as I have an</p>	<p style="text-align: right;">Page 45</p> <p>1 MR. GOMEZ: Okay, that's fine. 2 THE SPECIAL MASTER: -- because it's going 3 to be overruled. For both of those reasons I don't 4 think we have to have another conference about it. 5 MR. GOMEZ: I think that's right. That's 6 fine. 7 THE SPECIAL MASTER: Unless I come up with 8 yet another ground or unless another ground presents 9 itself, more precisely, for my overruling privilege 10 objection, okay? 11 MR. GOMEZ: Understood, yes. 12 THE SPECIAL MASTER: Understood? Thank 13 you, Mr. Gomez. 14 MR. BLUME: If I may, Your Honor, just to 15 be clear, while Your Honor is reserving an 16 articulation of the rationale of the crime fraud, it 17 is Your Honor's ruling on these privilege objections 18 that both waiver and crime fraud apply to overrule 19 the objection; is that correct? 20 THE SPECIAL MASTER: That is -- well, just 21 a second. Certainly on this one. I mean, this one 22 is clear as a bell. It applies to this one. The 23 crime fraud exception, as you know, has two 24 components. 25 The first component is is there a</p>

12 (Pages 42 - 45)



<p style="text-align: right;">Page 46</p> <p>1 reasonable ground to believe or suspect that a crime 2 or a fraud has been committed?</p> <p>3 And the second prong is is the specific 4 communication that is the subject of the rule, quote, 5 in furtherance of the fraud?</p> <p>6 So the second prong requires an analysis 7 of a communication by communication or memo by memo, 8 whatever, analysis.</p> <p>9 I guess I have to as a matter of just good 10 procedure and practice utter the words -- utter the 11 two grounds or more precisely, more precisely, I will 12 utter all of them are going to be based on the 13 antecedent ground of waiver, okay?</p> <p>14 MR. BLUME: Understood.</p> <p>15 THE SPECIAL MASTER: Every time I overrule 16 a privilege objection, the first ground is waiver. 17 And if I add crime fraud, then you know that I've 18 determined that the communication is in furtherance 19 of that.</p> <p>20 MR. BLUME: Understood, Your Honor. And 21 with regard to specific objections for work product, 22 I would simply add to that formula an articulation of 23 waiver which doesn't -- or an articulation to 24 overrule that doesn't necessarily have to go even as 25 far as crime fraud, although I think it applies. And</p>	<p style="text-align: right;">Page 48</p> <p>1 THE SPECIAL MASTER: That's not true. 2 That's not true.</p> <p>3 The reason I focused on this one in 4 furtherance of it is clear as a bell on the piece of 5 paper in front of you. That is to say Mr. Donziger 6 was transmitting by e-mail, vouching for the quality 7 of the recitation of the history of the case as set 8 forth in that complaint.</p> <p>9 The history of the case that's set forth 10 in that complaint, including the three paragraphs the 11 witness was just asked to focus on are -- include, 12 you know, some of the major elements of the fraud 13 that Judge Kaplan found as it relates to the 1782 14 proceeding in Colorado.</p> <p>15 For example, the word neutral and 16 independent appears many times in this recitation to 17 describe Mr. Cabrera.</p> <p>18 For example, the best and most recent 19 independent -- quote, I'm quoting now from paragraph 20 29. The best and most recent independent estimate 21 available of the human health impact of this 22 contamination is provided by the neutral special 23 master appointed by the Court to provide advice on 24 damages.</p> <p>25 The special master, Ecuadorian</p>
<p style="text-align: right;">Page 47</p> <p>1 that is simply that because this witness, as Your 2 Honor pointed out, is unavailable at trial, that 3 helps demonstrate the substantial need for the 4 information.</p> <p>5 And the actions of Mr. Donziger are 6 relevant to the issues in dispute. And, therefore, 7 the reliable information that this witness can 8 provide as to Mr. Donziger's conduct as it relates to 9 the causative action brought in the Southern District 10 of New York go directly to this Court's ability to 11 order the disclosure, even mental -- of work product, 12 even mental impression attorney work product.</p> <p>13 So I would add that to kind of the litany 14 of reasons why this testimony should go forward.</p> <p>15 MR. GOMEZ: Mr. Gitter, may I be heard?</p> <p>16 THE SPECIAL MASTER: Wait, you may not 17 need to be heard.</p> <p>18 Go ahead, Mr. Gomez.</p> <p>19 MR. GOMEZ: Well, my understanding of 20 crime fraud that you need to -- you need to assess 21 whether the matter in question is in furtherance. 22 And we don't have an answer from the witness yet so 23 the matter is still unknown.</p> <p>24 THE SPECIAL MASTER: That's not true.</p> <p>25 MR. GOMEZ: My point is --</p>	<p style="text-align: right;">Page 49</p> <p>1 environmental engineer and geologist Dr. Richard 2 Cabrera has conducted numerous environmental 3 assessments for oil companies, et cetera, et cetera. 4 And then it goes on and on and on to make statements 5 that Judge Kaplan has already found to be fraudulent.</p> <p>6 And so of necessity, this communication 7 urging upon -- by Mr. Donziger urging upon 8 Mr. McDermott a view of what Mr. Cabrera did and who 9 he was is in furtherance of the fraud because the 10 idea -- the particulars of the fraud in Colorado 11 were, as Judge Kaplan found, a scheme to hide from 12 the Court the actual work or non work of Dr. Cabrera.</p> <p>13 So the answer is certainly as to this 14 communication it needs the second prong, namely in 15 furtherance of prong. And any testimony related to 16 this is going to do the same.</p> <p>17 Now, anything more, Mr. Gomez? Because I 18 want to say something in response to what Mr. Blume 19 said.</p> <p>20 MR. GOMEZ: No, Mr. Gitter.</p> <p>21 THE SPECIAL MASTER: Okay. Mr. Blume, I 22 accept your statement of need. I am extremely 23 skeptical about the rest of what you said and I am 24 not prepared to accept that as a ground for 25 overruling privilege. And it certainly doesn't --</p>

13 (Pages 46 - 49)

<p style="text-align: right;">Page 50</p> <p>1 you know, I'm certainly not prepared to accept it as 2 an integral part of any ruling I make overruling a 3 privilege objection. 4 MR. BLUME: Very well. 5 THE SPECIAL MASTER: I think the record is 6 now fairly lucid on this whole subject and we can 7 move on. 8 Does that meet with your approval, 9 Mr. Gomez, to move on? 10 MR. GOMEZ: Yes, let's move on. 11 MR. TREECE: Your Honor, let me go get 12 Mr. McDermott, who stepped out. 13 THE SPECIAL MASTER: Great. 14 MR. TREECE: And I would ask for the 15 record that you specifically instruct him to answer 16 the question pending. 17 THE SPECIAL MASTER: That was my 18 intention. 19 MR. TREECE: And then it's up to you, Your 20 Honor, but to avoid you having to say -- instruct the 21 witness to answer the question every time you 22 overrule an objection, we're willing to understand 23 that if you overrule the objection, the witness is 24 instructed to answer without a specific 25 instruction --</p>	<p style="text-align: right;">Page 52</p> <p>1 THE SPECIAL MASTER: That's the problem 2 with these LiveNotes. I think there is. 3 MR. TREECE: I think there is, too, Your 4 Honor. 5 THE SPECIAL MASTER: I think the objection 6 was made before the witness answered whatever the 7 question was. She'll have just as much trouble 8 finding it as we will. 9 MR. BLUME: Well, with Your Honor's 10 permission, rather than try to search and take time 11 through the transcript if I can simply withdraw 12 whatever pending question and reask it in a similar 13 way. 14 THE SPECIAL MASTER: Reask it, right, 15 please. 16 MR. BLUME: Very well. 17 THE SPECIAL MASTER: Try to make it very 18 similar because it was -- the form was fine before. 19 MR. BLUME: I will try. 20 THE SPECIAL MASTER: Otherwise, Mr. Gomez 21 would have let us know, right, Mr. Gomez? 22 MR. GOMEZ: Yes. 23 Q (BY MR. BLUME) Mr. McDermott, you were 24 looking at paragraphs 29, 30, and 31 of 25 Exhibit 4003-B, I believe; is that correct?</p>
<p style="text-align: right;">Page 51</p> <p>1 THE SPECIAL MASTER: That's correct. 2 MR. TREECE: -- or you may specifically 3 instruct him, as you choose. 4 THE SPECIAL MASTER: No, I don't think -- 5 I think we're all agreed we're going to try to move 6 this along and do it the way you've just described. 7 MR. TREECE: Thank you, Your Honor. 8 THE SPECIAL MASTER: Mr. Gomez, are you 9 comfortable with that? 10 MR. GOMEZ: I am comfortable with that, 11 yes. 12 THE SPECIAL MASTER: Thank you. 13 If I utter the words crime fraud, folks, 14 it means I am again finding both prongs of the crime 15 fraud exception, as well as the waiver, okay? 16 MR. BLUME: Very well. 17 THE SPECIAL MASTER: Okay. Bring in the 18 witness. 19 (The deponent entered the room.) 20 MR. TREECE: He is here, Your Honor, as 21 you can see. 22 THE SPECIAL MASTER: Is there a pending 23 question? 24 MR. BLUME: I'm trying to locate that, 25 Your Honor.</p>	<p style="text-align: right;">Page 53</p> <p>1 A Yes. 2 Q And I believe my question was are the 3 facts set forth in paragraphs 29, 30, and 31 4 consistent with what Mr. Donziger told you about the 5 role of Mr. Cabrera in the Lago Agria litigation? 6 A Yes, the exception being things like 14 7 technical officials, some of the nuances I don't 8 recall. But generally speaking, yes. 9 Q Do you recall whether Mr. Donziger told 10 you any fact which you believed at the time to be 11 directly inconsistent with anything set forth in 12 paragraphs 29, 30, and 31? 13 MR. GOMEZ: Objection. Privilege. 14 THE SPECIAL MASTER: Overruled. Waiver, 15 crime fraud, two crime fraud, the Cabrera fraud and 16 the Colorado 1782 fraud. 17 A I -- if I understand correctly, did 18 Mr. Donziger tell me -- 19 THE SPECIAL MASTER: And this is part of 20 the prior communication that I found to meet the 21 furtherance prong. 22 Go ahead. 23 A I had -- 24 THE DEPONENT: I'm sorry, Your Honor. 25 A I don't recall Mr. Donziger telling me</p>

14 (Pages 50 - 53)

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400



<p style="text-align: right;">Page 54</p> <p>1 anything that is inconsistent with what's alleged in 2 29 through 31.</p> <p>3 Q (BY MR. BLUME) In and around January 4 2010, Mr. McDermott, were you aware of Chevron's 5 allegations that Stratus Consulting had improperly 6 ghostwritten substantial portions of the Cabrera 7 report in Ecuador?</p> <p>8 A I think so, but I'm not sure. I just 9 don't -- I just don't remember. I mean, I -- I just 10 don't -- I think so.</p> <p>11 Q Okay.</p> <p>12 A But I'm not certain.</p> <p>13 Q And let me direct your attention, sir, to 14 tab 59, which will be Exhibit 4004-A, which is 15 WOODS-HDD-0216302, and 4004-B, which is 16 WOODS-HDD-0216303 through 327. 17 (Exhibits 4004-A and 4004-B marked.)</p> <p>18 MR. BLUME: And, Mr. Treece, I'm going to 19 give you my copy.</p> <p>20 THE SPECIAL MASTER: While we're doing 21 this -- while we're doing this, Mr. Gomez, I just 22 wanted to say something very quickly.</p> <p>23 The references that were sent to you by 24 Mr. Ormand I think on Sunday night, or whenever he 25 sent them to you, are only a tiny portion of the</p>	<p style="text-align: right;">Page 56</p> <p>1 Q If you could peruse that paragraph kind of 2 into the next page 8 to yourself.</p> <p>3 A All right, I have read that paragraph.</p> <p>4 Q And does that refresh your recollection, 5 sir, as to whether or not in and around January 2010 6 you were aware of Chevron's allegations of 7 ghostwriting of the Cabrera report --</p> <p>8 A Yes.</p> <p>9 Q -- in Ecuador?</p> <p>10 And do you recall during the conversation 11 you had with Mr. Donziger about the background of the 12 Lago Agria litigation whether or not he told you that 13 Stratus had, in fact, improperly ghostwritten 14 substantial portions of the Cabrera report?</p> <p>15 MR. GOMEZ: Objection. Privilege.</p> <p>16 THE SPECIAL MASTER: Overruled. And I 17 will wait to hear the answer before I state whether 18 this is also a communication that meets both prongs 19 of the crime fraud exception.</p> <p>20 Go ahead, please answer the question.</p> <p>21 A I don't recall that Mr. Donziger told me 22 that.</p> <p>23 Q (BY MR. BLUME) Well, just to put that in 24 context, is that a fact, sir, that you ultimately 25 learned come March of 2010 through other means that</p>
<p style="text-align: right;">Page 55</p> <p>1 references that we have, and we will send you a great 2 many more, okay?</p> <p>3 MR. GOMEZ: Thank you.</p> <p>4 THE SPECIAL MASTER: Thank you.</p> <p>5 MR. GOMEZ: Yes, thank you.</p> <p>6 Q (BY MR. BLUME) Mr. McDermott, do you 7 recognize this e-mail as an e-mail dated 8 January 19th, 2010 from a gentleman by the name of 9 Andrew Woods to you with a copy to Steven Donziger?</p> <p>10 A Yes. Again, I don't recall specifically 11 getting this, but I'm sure I did.</p> <p>12 Q And attached to it as is reflected in the 13 e-mail is Chevron's 1782 petition that was filed in 14 the District of Colorado.</p> <p>15 Do you see that?</p> <p>16 A Yes.</p> <p>17 Q If I could direct your attention -- do you 18 recall or do you have some recollection of receiving 19 and reviewing that attachment as well?</p> <p>20 A A general recollection.</p> <p>21 Q Okay. If I could direct your attention to 22 the bottom of page 7 of the 2004(sic)-B, which is the 23 petition itself, it's the paragraph I believe that 24 begins, Despite?</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 57</p> <p>1 we'll talk about?</p> <p>2 MR. GOMEZ: Objection to the extent that 3 the witness' knowledge would be derived from 4 attorney-client communication, privilege.</p> <p>5 A The answer to that --</p> <p>6 THE SPECIAL MASTER: Overruled.</p> <p>7 A The answer to that question is no. I 8 don't believe -- I mean, I guess another way to say 9 that is that why we withdrew from the case.</p> <p>10 I mean, I don't recall that we ever were 11 told that Stratus ghostwrote a portion of the Cabrera 12 report. I could be mistaken, but I don't recall.</p> <p>13 That's not why -- that's not why we withdrew.</p> <p>14 Q (BY MR. BLUME) Okay. And we'll get to 15 that. But suffice to say based on your answer, 16 certainly in January 2010 you had no reason to 17 believe based on your conversations with Mr. Donziger 18 that Stratus had improperly ghostwritten substantial 19 portions of the Cabrera report; is that true?</p> <p>20 A That's absolutely true.</p> <p>21 MR. GOMEZ: Objection. Privilege.</p> <p>22 THE SPECIAL MASTER: Overruled.</p> <p>23 Q (BY MR. BLUME) Is it fair to say, 24 Mr. McDermott, that Mr. --</p> <p>25 THE SPECIAL MASTER: And crime fraud --</p>

15 (Pages 54 - 57)

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400

<p style="text-align: right;">Page 58</p> <p>1 and crime fraud on the last one, same set of 2 communications with Donziger. 3 Q (BY MR. BLUME) Is it fair to say, 4 Mr. McDermott, that Mr. Donziger set the general 5 strategy on how your firm would go about opposing 6 Chevron's effort in the 1782 petition? 7 MR. GOMEZ: Objection. Privilege. 8 A I'm not sure -- 9 THE SPECIAL MASTER: Overruled. 10 A I'm not sure I understand that question. 11 Q (BY MR. BLUME) Did you consult -- or 12 how -- withdraw that. 13 Did you consult with Mr. Donziger on the 14 strategy for opposing Chevron's 1782 petition? 15 A Yes. 16 Q What role, if any, did Stratus' lawyers 17 play in setting that strategy? 18 MR. GOMEZ: Objection. Privilege. 19 A My rec -- 20 MR. TREECE: Don't -- 21 THE SPECIAL MASTER: Wait, wait, wait. 22 THE DEONENT: Sorry. 23 THE SPECIAL MASTER: What's the privilege? 24 MR. GOMEZ: Attorney work product. 25 THE SPECIAL MASTER: What is it?</p>	<p style="text-align: right;">Page 60</p> <p>1 Shinder? 2 A Yes, that name is very familiar. 3 Q Okay. Did you understand through your 4 conversations with Mr. Donziger about the strategy in 5 opposing Chevron's 1782 petition that Mr. Donziger 6 was seeking to delay that action? 7 MR. GOMEZ: Objection. Privilege. 8 THE SPECIAL MASTER: Overruled. Crime 9 fraud, two. 10 A Actually, my recollection is that he 11 wanted them to prevent them from taking place. Maybe 12 it was just delayed, but my recollection is he did 13 not want the depositions to go forward. 14 Q (BY MR. BLUME) And you disagreed with 15 that, did you not? 16 THE SPECIAL MASTER: Double crime fraud 17 exception. 18 Q (BY MR. BLUME) And you disagreed with 19 that approach? 20 A I don't remember. I remember disagreeing 21 with -- I remember not getting a lot of the 22 information we felt we needed to make representations 23 to the Court. I may -- I may have. I just don't 24 remember. 25 Q Sure.</p>
<p style="text-align: right;">Page 59</p> <p>1 MR. GOMEZ: Attorney work product, 2 Mr. Gitter, the role played by counsel to the extent 3 it would reveal attorney work product. 4 THE SPECIAL MASTER: The role played by 5 Stratus counsel is what he was asking. 6 MR. GOMEZ: Yes. 7 THE SPECIAL MASTER: Stratus has waived, 8 specifically no work product applies. So in addition 9 to the other waivers, I rule on that basis as well. 10 And there was no common interest as I have 11 ruled in the Beier deposition which they have 12 accepted and not appealed, and indeed that ruling is 13 the law of the case. 14 MR. BLUME: May the witness answer, Your 15 Honor? 16 THE SPECIAL MASTER: Yes. 17 A I don't recall that Stratus' counsel 18 played any role in the strategy. I don't even 19 recall -- I don't recall ever talking to a lawyer 20 from Stratus. I may very well have, but I don't 21 recall. 22 Q (BY MR. BLUME) Do you remember speaking 23 to a gentleman by the name of Mr. Shinder? 24 A That name is very familiar. 25 Q Okay. And we'll get back to him. Jeffrey</p>	<p style="text-align: right;">Page 61</p> <p>1 MR. BLUME: If I could have tab 41, 2 please. And this will be marked as Exhibit 4005. 3 (Exhibit 4005 marked.) 4 MR. BLUME: Mr. Gomez, this is an e-mail 5 chain ending on 17 February 2010 from Mr. McDermott 6 to Mr. Donziger and Ericka Englert beginning with an 7 e-mail from Mr. Donziger to Mr. McDermott and 8 Ms. Englert on 16 February 2010. 9 THE SPECIAL MASTER: Will you give me a 10 chance to read this, please? 11 MR. BLUME: Sure. 12 (Pause.) 13 MR. BLUME: May I proceed, Your Honor? 14 THE SPECIAL MASTER: I've finished. Go 15 ahead, Mr. Blume, I've finished. 16 Q (BY MR. BLUME) Okay. The bottom, the 17 first e-mail from Mr. Donziger to you, sir, of 16 18 February reflects discussions about terms reflected 19 in your engagement letter; is that correct? 20 A Yes. 21 Q And let me, just curiously, on the bottom 22 of that first page 4005 referencing page 2, third 23 paragraph, third sentence of your engagement letter, 24 do you see that? 25 A Yes.</p>

16 (Pages 58 - 61)

<p style="text-align: right;">Page 62</p> <p>1 Q And it talks about a request that</p> <p>2 Brownstein -- that it says, quote, Although bills</p> <p>3 will be based on the time actually incurred, they</p> <p>4 will be subject to adjustment by our firm based on</p> <p>5 relevant factors.</p> <p>6 Do you see that?</p> <p>7 A Yes.</p> <p>8 Q And Mr. Donziger replied to that</p> <p>9 complaining or commenting that it provided the firm</p> <p>10 with discretion. And he recommended, did he not,</p> <p>11 that either take it out or subject -- make it subject</p> <p>12 to Donziger's approval.</p> <p>13 Do you recall that?</p> <p>14 A Yes.</p> <p>15 Q Do you recall having any discussion other</p> <p>16 than what is revealed in this e-mail about Donziger's</p> <p>17 request to approve any -- any -- approve any of that</p> <p>18 discretion on the relevant factors?</p> <p>19 A No, Mr. Donziger had the same reaction</p> <p>20 that 99 percent of my clients do when I send them</p> <p>21 that provision.</p> <p>22 Q And you opted, as in all caps, just simply</p> <p>23 take it out?</p> <p>24 A Yeah. I usually take it out now before I</p> <p>25 even send it to clients.</p>	<p style="text-align: right;">Page 64</p> <p>1 at all. B, it's been waived both by Donziger and by</p> <p>2 the testimony that I referred to earlier.</p> <p>3 Go ahead, Mr. Blume, and the witness. I</p> <p>4 would like to hear the answer to this question.</p> <p>5 A My recollection is that Mr. Donziger had</p> <p>6 repeatedly told us that he would be providing us</p> <p>7 material, factual material and legal arguments from</p> <p>8 folks in Ecuador that we could then use in whatever</p> <p>9 we filed before Judge Kane. And we didn't get it.</p> <p>10 And we kept having discussions about, we need that</p> <p>11 information, we need that information. And we didn't</p> <p>12 get it.</p> <p>13 And I think the sense that I had was the</p> <p>14 argument that he thought might be persuasive to Judge</p> <p>15 Kane was, as I say in this e-mail, it's just -- it's</p> <p>16 Chevron's fault.</p> <p>17 And Judge Kane is a wonderful judge, and</p> <p>18 he's an old war horse. And he was going to focus on</p> <p>19 relevant, factual and legal arguments. And we</p> <p>20 weren't getting that information -- I didn't feel</p> <p>21 like we were getting that information from</p> <p>22 Mr. Donziger.</p> <p>23 Q (BY MR. BLUME) And just for the record,</p> <p>24 this, like the other, this e-mail is of the type</p> <p>25 that's kept in the ordinary course of the business of</p>
<p style="text-align: right;">Page 63</p> <p>1 Q More related to what we were just talking</p> <p>2 about, the top part is your response to Mr. Donziger,</p> <p>3 referencing your thoughts on the engagement letter,</p> <p>4 but then noting, quote, On a related point, my view</p> <p>5 on the delay issue does differ from yours, albeit</p> <p>6 respectfully so.</p> <p>7 In reading that paragraph, does that</p> <p>8 refresh your recollection as to whether your strategy</p> <p>9 for proceeding in front of Judge Kane in Colorado</p> <p>10 differed from the strategy that Mr. Donziger was</p> <p>11 promoting in proceeding with the 1782?</p> <p>12 A What I'm struggling with is your use of</p> <p>13 the term strategy. I mean, my concern -- one of my</p> <p>14 concerns was that --</p> <p>15 MR. GOMEZ: I'm sorry, I'm sorry. This is</p> <p>16 Mr. Gomez. My phone was on mute. I meant to object</p> <p>17 on privilege and work product grounds.</p> <p>18 THE SPECIAL MASTER: This is -- there is</p> <p>19 no privilege here. This was waived by Donziger in</p> <p>20 this production. And for the reasons that I've said</p> <p>21 before, the -- this is -- this is basically a fee</p> <p>22 negotiation letter.</p> <p>23 In any event, the specific question I --</p> <p>24 after I hear the answer, I may add crime fraud.</p> <p>25 So, A, there is no privilege to this here</p>	<p style="text-align: right;">Page 65</p> <p>1 the Brownstein firm?</p> <p>2 A Yes.</p> <p>3 Q And it's the ordinary course of the</p> <p>4 Brownstein firm to keep such e-mails such as this as</p> <p>5 they relate to client matters?</p> <p>6 A Yes.</p> <p>7 MR. BLUME: If we could get tab 42,</p> <p>8 please. Label this Exhibit 4006.</p> <p>9 (Exhibit 4006 marked.)</p> <p>10 MR. BLUME: Mr. Gomez, this is an e-mail</p> <p>11 on the top from Mr. McDermott to Mr. Donziger and</p> <p>12 Ericka Englert, with copy to Michael Hoke dated</p> <p>13 3 March 2010, responding to an e-mail from</p> <p>14 Mr. Donziger dated 2 March 2010, responding back to</p> <p>15 an e-mail dated 2 March 2010 from Ericka Englert to</p> <p>16 Steven Donziger.</p> <p>17 Q (BY MR. BLUME) If I could ask you just to</p> <p>18 review that and first tell me whether this, as well,</p> <p>19 is an e-mail kept in the ordinary course of the</p> <p>20 business of the Brownstein firm?</p> <p>21 A Yes, it is.</p> <p>22 Q And whether it is in the ordinary course</p> <p>23 of the Brownstein firm to keep such e-mail related to</p> <p>24 client matters?</p> <p>25 A Yes.</p>

17 (Pages 62 - 65)

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400

<p style="text-align: right;">Page 66</p> <p>1 Q I direct your attention to the e-mail  2 first from Ericka Englert to Mr. Donziger at the  3 bottom of that chain, asking specifically for an  4 affidavit to support the basis for seeking leave to  5 oppose a petition.  6 Is this consistent with your firm's  7 request to Mr. Donziger for information, both factual  8 and legal, to support your position in Colorado?  9 A Yes.  10 Q And then Mr. Donziger responds, Yes, but,  11 in the middle there, he says, I'm thinking maybe we  12 should wait to file this until we file in Ecuador,  13 which we can do by Monday.  14 Do you know, sitting here today, to what  15 he was referring when he mentioned filing in Ecuador?  16 A Not as I sit here today.  17 Q Okay. You then go on to say that to  18 impress upon Mr. Donziger, quote, We should file  19 today -- this being in the top e-mail.  20 Our delay is conveying to the Court and  21 our opponents that we are disorganized and the  22 equities are shifting to Chevron.  23 Do you see that?  24 A Yes.  25 Q And is that consistent with your testimony</p>	<p style="text-align: right;">Page 68</p> <p>1 MR. BLUME: If we could turn to tab 45,  2 please. And I'll mark this as Exhibit 4007.  3 (Exhibit 4007 marked.)  4 MR. BLUME: It's Bates No.  5 DONZ 00053751.  6 Q (BY MR. BLUME) It's a two-page e-mail.  7 First, dated 27 January, first from Michael Hoke to  8 you and Ericka Englert, and then a forwarding of that  9 e-mail from Ericka Englert on the same date to  10 Mr. Donziger.  11 Do you see that?  12 A Yes.  13 Q And is this too an e-mail that's kept in  14 the ordinary course of Brownstein's business?  15 A Yes.  16 Q And it's the ordinary course to keep such  17 an e-mail?  18 A Yes.  19 Q Directing your attention to Mr. Hoke's  20 e-mail at 4:01 p.m. on 27 January. Subject being  21 Chevron v. Stratus, issues to discuss with Mr. Bloom,  22 B-I-o-o-m. Do you recall having a discussion with  23 your team about the relevance of the BIT proceeding  24 and questions you had for Eric Bloom at Winston &amp;  25 Strawn?</p>
<p style="text-align: right;">Page 67</p> <p>1 earlier, this is now March of 2010?  2 THE SPECIAL MASTER: Objection sustained,  3 argumentative. Speaks for itself.  4 MR. BLUME: Okay.  5 Q (BY MR. BLUME) Did Mr. Donziger ever tell  6 you why it was that he was -- why he didn't want to  7 move more quickly in the Colorado action, or as you  8 mentioned, move at all?  9 MR. GOMEZ: Objection. Privilege.  10 THE SPECIAL MASTER: Overruled.  11 A I'm sorry, I don't recall.  12 Q (BY MR. BLUME) You mentioned earlier,  13 Mr. McDermott, that you had occasion to speak with --  14 you or your team had occasion to speak with a lawyer  15 that had some involvement in an international  16 arbitration, I think you mentioned.  17 Do you recall that testimony?  18 A Yes.  19 Q And I mentioned the name Eric Bloom from  20 Winston &amp; Strawn. And remind me, does that refresh  21 your recollection as to the lawyer with whom you  22 spoke about that matter?  23 A That sounds -- I can't say with  24 100 percent certainty but that sounds very familiar.  25 Q Okay. Let me --</p>	<p style="text-align: right;">Page 69</p> <p>1 A I recall having discussions with my team  2 about the subject matter of Michael's e-mail, but  3 beyond that I don't recall the specifics.  4 Q Okay. So it's -- and we don't have to go  5 to it, but the invoice reflects on 27 January a  6 telephone conference with Mr. Bloom, Mr. Donziger,  7 and you regarding the 1782 petition. Is that --  8 would that be consistent with your, whatever memory  9 you have about this time period, 27 January, and  10 discussions with Mr. Bloom?  11 A Yes.  12 Q Okay. Let me show you tab 4, if I might.  13 Tab 4 is from your production Bates labeled  14 BHFS 18 through 23, and it's 4006 -- 8, 4008.  15 (Exhibit 4008 marked.)  16 Q (BY MR. BLUME) If I could ask you just to  17 look through those pages. Tell me if you recognize  18 the handwriting in these notes.  19 A The handwriting is not mine. I don't  20 believe it's Michael Hoke's. So that I don't -- I  21 don't know that this -- that these -- that Ericka  22 Englert wrote these notes. I suspect she did.  23 Q And as a way of -- if perhaps we could  24 turn to Exhibit 4000, which is your invoice -- I'm  25 sorry, 4001, perhaps.</p>

18 (Pages 66 - 69)

<p style="text-align: right;">Page 70</p> <p>1 A I think it's -- you're right.</p> <p>2 Q So if I could just to help your memory,</p> <p>3 the first entry of the handwritten notes is</p> <p>4 January 28. And it says, Greg, from Winston &amp;</p> <p>5 Strawn.</p> <p>6 Do you see that?</p> <p>7 A Yes.</p> <p>8 Q If I could direct your attention to the</p> <p>9 time entry for January 28th for Ericka Englert where</p> <p>10 it says in Exhibit 4000, telephone conference with G</p> <p>11 Ewing re standards for opposing 1782 request.</p> <p>12 Do you see that?</p> <p>13 A Yes.</p> <p>14 Q I'll represent to you G Ewing is Greg</p> <p>15 Ewing from Winston &amp; Strawn. Does that in any way</p> <p>16 help you identify these handwritten notes as those</p> <p>17 belonging to Ericka Englert?</p> <p>18 A Well, it's consistent. The entry on 4000</p> <p>19 is consistent with these being Ericka Englert's</p> <p>20 notes.</p> <p>21 Q Okay. Do you know, in your discussions</p> <p>22 with Mr. Donziger, did he say anything to you which</p> <p>23 suggested that he had a previous relationship with</p> <p>24 Eric Bloom or Winston &amp; Strawn? And by previous</p> <p>25 mean before January of 2010.</p>	<p style="text-align: right;">Page 72</p> <p>1 actually has the bottom of Bates BHFS 18 cut off as</p> <p>2 well.</p> <p>3 THE DEPONENT: Your Honor, we can</p> <p>4 certainly -- we can do a better job of copying this</p> <p>5 document and get it to whomever you tell us to get it</p> <p>6 to.</p> <p>7 THE SPECIAL MASTER: Get it to counsel,</p> <p>8 examining counsel, who will circulate it to us and to</p> <p>9 Mr. Gomez, please.</p> <p>10 And just for safety sake, for my purposes,</p> <p>11 because we're not going to have you again, I don't</p> <p>12 believe, is it fair to say that these handwritten</p> <p>13 notes were kept by the Brownstein firm in the</p> <p>14 ordinary course of business?</p> <p>15 THE DEPONENT: Yes.</p> <p>16 THE SPECIAL MASTER: Is it fair to say</p> <p>17 that it is part of the business of the Brownstein</p> <p>18 firm to have its lawyer taking notes of</p> <p>19 conversations?</p> <p>20 THE DEPONENT: Yes, Your Honor.</p> <p>21 THE SPECIAL MASTER: Okay.</p> <p>22 Q (BY MR. BLUME) And part of the business</p> <p>23 for those lawyers to then keep them in files related</p> <p>24 to client activities?</p> <p>25 A Yes.</p>
<p style="text-align: right;">Page 71</p> <p>1 MR. GOMEZ: Objection. Form.</p> <p>2 THE SPECIAL MASTER: You may answer.</p> <p>3 Q (BY MR. BLUME) If you understand. It was</p> <p>4 not a very good question.</p> <p>5 A I'm not sure I do understand it.</p> <p>6 Q In January of 2010, did Mr. Donziger say</p> <p>7 anything to you to suggest that he had a previous</p> <p>8 relationship or had worked before that time with the</p> <p>9 Winston &amp; Strawn firm or with Eric Bloom</p> <p>10 specifically?</p> <p>11 A I don't recall him saying that.</p> <p>12 Q Okay. Let me turn to exhibit -- or</p> <p>13 tab 51, if I might.</p> <p>14 THE SPECIAL MASTER: Excuse me, can we go</p> <p>15 back to Exhibit 4008?</p> <p>16 MR. BLUME: Yes, sir.</p> <p>17 THE SPECIAL MASTER: Does somebody have</p> <p>18 the original? Because my copy has the bottom line</p> <p>19 cut off and it looks like a line I would be</p> <p>20 interested in for purposes of ruling.</p> <p>21 MR. BLUME: We will check, Your Honor,</p> <p>22 whether that -- it may be that that's how the copy</p> <p>23 came to us, or it may be the copy we made. Yeah,</p> <p>24 looking at the receipt from the Brownstein firm, and</p> <p>25 I know this happens often, the copy we received</p>	<p style="text-align: right;">Page 73</p> <p>1 Q Thank you.</p> <p>2 MR. BLUME: Thank you, Your Honor.</p> <p>3 (Exhibit 4009 marked.)</p> <p>4 Q (BY MR. BLUME) Let me hand you what's now</p> <p>5 marked as Exhibit 4009. This is an e-mail dated</p> <p>6 21 March 2010 from you to Mr. Donziger, copy</p> <p>7 Ms. Englert and Mr. Hoke.</p> <p>8 I would ask you to take a moment to review</p> <p>9 it. And just so you understand the chronology of</p> <p>10 what I would like to do today, this is a</p> <p>11 21 March 2010 e-mail reflecting, as I understand it,</p> <p>12 and I'll ask you specifically, your decision to</p> <p>13 withdraw.</p> <p>14 I would like to talk about this e-mail and</p> <p>15 then we'll backtrack to the events that may have led</p> <p>16 up to this.</p> <p>17 But I wanted to start here and have you</p> <p>18 tell me, to the best of your recollection, why was it</p> <p>19 that the Brownstein firm withdrew from representing</p> <p>20 the LAPs in the 1782 proceedings in Colorado?</p> <p>21 MR. GOMEZ: Objection. Privilege, to the</p> <p>22 extent it would reveal attorney-client communications</p> <p>23 or attorney work product.</p> <p>24 THE SPECIAL MASTER: Overruled. This very</p> <p>25 question, to my recollection, was asked without</p>

19 (Pages 70 - 73)



<p style="text-align: right;">Page 74</p> <p>1 objection of Mr. Donziger in his 1782, almost in 2 these words. And anything, anything that 3 Mr. Donziger said that led up to this e-mail and to 4 the statements in this e-mail, is likely, I'm not 5 ruling yet because I haven't heard it, is likely to 6 be subject to crime fraud exception.</p> <p>7 A Well, as I recall, we were facing a couple 8 of deadlines. I believe we had a filing in court to 9 make. And, secondly, and 4009 refreshes my 10 recollection on this now, we had a meet and confer 11 responsibility with Chevron's counsel, you folks.</p> <p>12 And we had been, as I stated earlier, 13 Mr. Donziger had told us over some time period that 14 we were going to be getting factual support for the 15 representations that we might make in front of Judge 16 Kane and in front of your partners during the meet 17 and confer.</p> <p>18 And with respect to the legal issues that 19 I referenced earlier, 4009 refreshes my recollection 20 that we were waiting to get maybe even an affidavit 21 from one of their Ecuadorian lawyers, which stated 22 certain privilege and confidentiality provisions 23 under Ecuadorian law that, as I recall, we were 24 talking to Steven about, might have some persuasive 25 impact in front of Judge Kane.</p>	<p style="text-align: right;">Page 76</p> <p>1 I'm not sure. But some lawyer from out of state who 2 was under the -- I don't want to say the team because 3 I'm not sure who he was representing, but he came out 4 and met with Stratus.</p> <p>5 And as I recall, learned some disturbing 6 information that may have even caused him to 7 withdraw. And I don't recall whether I was told or I 8 concluded from what we did learn that perhaps there 9 was conduct by Stratus that was inconsistent with 10 what we understood, which was that there was no 11 misconduct. And so things kind of came to a head. 12 And I just concluded that I was not comfortable 13 proceeding.</p> <p>14 Q And just so I'm clear --</p> <p>15 THE SPECIAL MASTER: Okay. I think --</p> <p>16 MR. BLUME: Sorry, go ahead, Your Honor.</p> <p>17 THE SPECIAL MASTER: Go ahead.</p> <p>18 MR. BLUME: No, go ahead.</p> <p>19 THE SPECIAL MASTER: I was going to --</p> <p>20 we've been going two hours and I, for one, need a 21 break, but if you have one more question.</p> <p>22 MR. BLUME: One more question.</p> <p>23 THE SPECIAL MASTER: That's fine.</p> <p>24 MR. BLUME: Yeah, one more question and 25 then we can break.</p>
<p style="text-align: right;">Page 75</p> <p>1 But as I sit here today, I don't recall 2 what that is. And we didn't get that information. 3 We kept being promised we were going to get it, and 4 there was a woman from Gibson Dunn who was 5 representing Chevron, who I was dealing with, and who 6 I had a number of discussions with, as I recall, and 7 who was quite patient, when, as I recall, I kept 8 delaying the meet and confer. And I think she gave 9 me a couple of extensions.</p> <p>10 And then, as I recall, she said, you know, 11 something to the effect that we need to fish or cut 12 bait here. And we kept waiting for the information 13 and we didn't get it. And -- I've talked so much 14 I've forgot what the question is.</p> <p>15 Q (BY MR. BLUME) If you recall why it was 16 you withdrew from your representation of the LAPs.</p> <p>17 A Yeah, so that's one reason. And a second 18 reason is or was that I think Mr. Donziger's view was 19 that it would be persuasive to Judge Kane to focus on 20 Chevron's alleged misconduct. And I don't recall 21 thinking that was persuasive or relevant as we 22 understood the law.</p> <p>23 And then a third development and probably 24 the clincher was I recall a non -- a lawyer from out 25 of state who may have been representing Stratus, but</p>	<p style="text-align: right;">Page 77</p> <p>1 Thank you, Your Honor.</p> <p>2 Q (BY MR. BLUME) You indicated that, you 3 said you don't recall whether you were told or 4 concluded from what we did learn that perhaps there 5 was conduct by Stratus that was inconsistent with 6 what we understood, which was that there was no 7 misconduct.</p> <p>8 From whom did you gain your understanding 9 in and around March of 2010 about Stratus's role in 10 whether there was or was not any misconduct?</p> <p>11 In other words, from whom did you gain 12 your understanding that led you to balance it against 13 what you had learned from this other lawyer?</p> <p>14 THE SPECIAL MASTER: Wait a second.</p> <p>15 First -- wait a second. I'm going to object -- I'm 16 going to sustain the objection. You have now 17 confused me, therefore, almost by definition, you're 18 confusing the witness.</p> <p>19 MR. BLUME: Understood.</p> <p>20 THE SPECIAL MASTER: I take it -- let 21 me --</p> <p>22 MR. BLUME: Please.</p> <p>23 THE SPECIAL MASTER: I take it, Mr. Blume, 24 what you're trying to ask is, who was it, from whom 25 did you get your prior understanding that there had</p>

20 (Pages 74 - 77)

<p style="text-align: right;">Page 78</p> <p>1 been no misconduct?</p> <p>2 MR. BLUME: Correct.</p> <p>3 THE SPECIAL MASTER: Let's start with</p> <p>4 that.</p> <p>5 THE DEPONENT: Mr. Donziger.</p> <p>6 THE SPECIAL MASTER: And from whom do you</p> <p>7 believe you got the understanding as reflected in</p> <p>8 this March 21st e-mail that, in fact, there had been</p> <p>9 misconduct? This out of town lawyer?</p> <p>10 THE DEPONENT: Yes, Your Honor. But my</p> <p>11 recollection is that as a result of our failure to</p> <p>12 get the information that we had been seeking, we</p> <p>13 started to have suspicions and started to feel</p> <p>14 uncomfortable.</p> <p>15 And then when we got the information from</p> <p>16 the out of town lawyer, it was, Okay, I'm concerned</p> <p>17 about our ethical responsibilities.</p> <p>18 THE SPECIAL MASTER: All right. Let's</p> <p>19 take our break.</p> <p>20 MR. BLUME: We'll break. Thank you.</p> <p>21 THE VIDEOGRAPHER: We're going off the</p> <p>22 record at 11:55.</p> <p>23 (Recess taken from 11:55 a.m. to 12:08</p> <p>24 p.m.)</p> <p>25 THE VIDEOGRAPHER: And we are back on the</p>	<p style="text-align: right;">Page 80</p> <p>1 I see a reference in the second paragraph</p> <p>2 to our having been left out of the fact gathering</p> <p>3 efforts in Boulder. And I do now recall that we had</p> <p>4 told Mr. Donziger that we wanted to meet with</p> <p>5 Stratus, and we wanted to attend the meeting.</p> <p>6 And we were left out of that meeting and</p> <p>7 therefore denied access to -- denied the opportunity</p> <p>8 to get what we thought was relevant information. And</p> <p>9 so that concerned us, as well, as I recall.</p> <p>10 Q And when you say denied access, were you</p> <p>11 specifically told not to attend or did the meeting</p> <p>12 happen without your knowledge, or both?</p> <p>13 A Well, I don't recall, but I distinctly</p> <p>14 recall that it wasn't an accident.</p> <p>15 Q If I could turn to tab 55, please.</p> <p>16 MR. BLUME: And 55, Your Honor, has</p> <p>17 already been marked as part of the proceedings and is</p> <p>18 Exhibit 1633.</p> <p>19 THE SPECIAL MASTER: Okay. Just give me</p> <p>20 an opportunity to read it, please.</p> <p>21 MR. BLUME: Sure. And I will simply tell</p> <p>22 Mr. Gomez that it is an e-mail and an attached</p> <p>23 memorandum from Mr. McDermott to Mr. Donziger, dated</p> <p>24 24 May 2010.</p> <p>25 THE SPECIAL MASTER: Hold on. We're</p>
<p style="text-align: right;">Page 79</p> <p>1 record at 12:08.</p> <p>2 Q (BY MR. BLUME) Exhibit 400 -- sorry.</p> <p>3 A 9.</p> <p>4 Q -- 9, this is a true and accurate copy of</p> <p>5 an e-mail that you sent to Mr. Donziger on 21 March?</p> <p>6 A I believe so.</p> <p>7 THE VIDEOGRAPHER: Mr. Blume, I'm sorry,</p> <p>8 do you have your microphone on?</p> <p>9 MR. BLUME: No, I don't.</p> <p>10 THE VIDEOGRAPHER: Thank you.</p> <p>11 Q (BY MR. BLUME) And this is an e-mail that</p> <p>12 was kept in the ordinary course of the business of</p> <p>13 the Brownstein firm?</p> <p>14 A Yes.</p> <p>15 Q And it's the ordinary course of the</p> <p>16 Brownstein firm to keep such an e-mail as it relates</p> <p>17 to client matters?</p> <p>18 A Yes.</p> <p>19 Q Okay.</p> <p>20 A Could I add something to the --</p> <p>21 Q Yes, please.</p> <p>22 A -- answer because 4009 refreshed my</p> <p>23 recollection about, I guess, one other issue that as</p> <p>24 I now recall also played some role in our decision to</p> <p>25 withdraw.</p>	<p style="text-align: right;">Page 81</p> <p>1 getting the attachment now.</p> <p>2 (Pause.)</p> <p>3 THE SPECIAL MASTER: Okay. I've read it.</p> <p>4 Q (BY MR. BLUME) Mr. McDermott, attached as</p> <p>5 Exhibit 1633, which is a cover e-mail and attached</p> <p>6 memorandum, I would ask you first, are both the</p> <p>7 e-mail and the attached memorandum documents which</p> <p>8 the Brownstein firm kept in the ordinary course of</p> <p>9 its business?</p> <p>10 A Yes.</p> <p>11 Q And was it the ordinary course of the</p> <p>12 Brownstein firm to keep e-mails such as the cover and</p> <p>13 memos, memorandum, such as that attached in 1633?</p> <p>14 A Yes.</p> <p>15 Q Turning to the memorandum attached --</p> <p>16 THE SPECIAL MASTER: Wait. I think --</p> <p>17 wait a minute, wait a minute. Wait, whoa, whoa,</p> <p>18 whoa. First, you've got to ask him if this is a true</p> <p>19 copy of what is in their files.</p> <p>20 MR. BLUME: Fair enough. You're correct.</p> <p>21 Q (BY MR. BLUME) Mr. McDermott, is the</p> <p>22 e-mail cover and the attached memorandum a true and</p> <p>23 accurate copy of the cover e-mail and memorandum as</p> <p>24 kept in the files of Brownstein Hyatt Farber &amp;</p> <p>25 Schreck?</p>

21 (Pages 78 - 81)

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400



<p style="text-align: right;">Page 82</p> <p>1 A And 1633 is something that we produced?</p> <p>2 Q Yes. No, I'm sorry. 1633 is something</p> <p>3 produced by Mr. Donziger, Bates No. DONZ 00056917</p> <p>4 through 56918.</p> <p>5 A Well, I remember this document, and I'm</p> <p>6 sure this is an accurate copy. It didn't come from</p> <p>7 our files, but I distinctly recall preparing this</p> <p>8 information.</p> <p>9 Q And I'm not saying it wasn't in your</p> <p>10 files. It's been marked as an exhibit so the version</p> <p>11 we're using is from the Donziger production.</p> <p>12 A Sure. So the answer is yes.</p> <p>13 Q Okay. Directing your attention, sir, to</p> <p>14 the memorandum itself dated 24 May 2010 to Steven</p> <p>15 Donziger from you, do you recall why you wrote this</p> <p>16 memorandum to Mr. Donziger in May, which was a few</p> <p>17 months after your official withdrawal from the</p> <p>18 Colorado action?</p> <p>19 A Yes.</p> <p>20 Q Why was that?</p> <p>21 A Mr. Donziger had retained a lawyer at</p> <p>22 least once removed from me. There was me and then he</p> <p>23 retained somebody else and then he retained a lawyer</p> <p>24 in Denver by the name of Jay Horowitz.</p> <p>25 And as I recall, I think Mr. Donziger had</p>	<p style="text-align: right;">Page 84</p> <p>1 we have not received the pertinent documents and</p> <p>2 information that were necessary to support the</p> <p>3 arguments we had discussed as being the main reasons</p> <p>4 to oppose the subpoenas and that would support the</p> <p>5 arguments we deem to be compelling based on our legal</p> <p>6 research.</p> <p>7 Is that consistent with what you told me</p> <p>8 earlier about the lack of factual legal support that</p> <p>9 you had received from Mr. Donziger in the course of</p> <p>10 your representing the LAPs?</p> <p>11 A Yes.</p> <p>12 Q And the second paragraph talks about this</p> <p>13 gentleman, Jeff Shinder.</p> <p>14 And the last sentence says, Mr. Shinder</p> <p>15 traveled to Boulder to meet with witnesses. BHFS did</p> <p>16 not participate in the interviews.</p> <p>17 BHFS is Brownstein Hyatt Farber &amp; Schreck;</p> <p>18 is that correct?</p> <p>19 A Yes.</p> <p>20 Q And your statement that you didn't</p> <p>21 participate in the interviews, is that consistent</p> <p>22 with what you told me is another reason for your</p> <p>23 withdrawal is that you had asked to participate in</p> <p>24 the meetings with Stratus, but were refused access to</p> <p>25 that, to Stratus?</p>
<p style="text-align: right;">Page 83</p> <p>1 given us, I don't know, 25, a nominal retainer, 25 or</p> <p>2 \$50,000. And at the time we withdrew, I mean, we</p> <p>3 paid our bill out of the retainer, as I recall.</p> <p>4 And Mr. Horowitz was sending nasty letters</p> <p>5 and e-mails to our firm grousing about my conduct and</p> <p>6 demanding, I think demanding that we give some or all</p> <p>7 of the money back.</p> <p>8 And at some point, Mr. Horowitz asked me</p> <p>9 why we withdrew. And I think -- I think at that</p> <p>10 point -- actually, maybe by this point he hadn't sent</p> <p>11 me any nasty e-mails. He had just talked to me and</p> <p>12 asked me why. And I said, well, Mr. Donziger knows</p> <p>13 why.</p> <p>14 And then somehow or another, we agreed</p> <p>15 that I would draft a memorandum and send it to</p> <p>16 Mr. Donziger. And I think the reason I sent it to</p> <p>17 Mr. Donziger and not Mr. Horowitz is there was some</p> <p>18 question as to who was representing Mr. Donziger. So</p> <p>19 that's why I drafted the memo.</p> <p>20 Q And the memorandum, excluding the</p> <p>21 introduction paragraph, contains kind of four</p> <p>22 substantive paragraphs reflecting what you just</p> <p>23 described as reasons for your withdrawal.</p> <p>24 The first paragraph is, it says in the</p> <p>25 second sentence, Despite our repeated request to you,</p>	<p style="text-align: right;">Page 85</p> <p>1 A Yes, that's my recollection.</p> <p>2 Q Okay. And then the third paragraph says</p> <p>3 that, Shinder told us that after meetings with the</p> <p>4 witnesses, he was concerned that despite your</p> <p>5 representations to us that Stratus's work with the</p> <p>6 Ecuadorian expert comply with Ecuadorian procedure</p> <p>7 and was proper, he understood the opposite to be</p> <p>8 true.</p> <p>9 Is that consistent with what we were</p> <p>10 talking about right immediately before the break,</p> <p>11 about that your understanding, from what Mr. Donziger</p> <p>12 had told you was inconsistent with what Mr. Shinder</p> <p>13 learned from his discussion of Stratus's role in the</p> <p>14 Ecuadorian case?</p> <p>15 A Yes. I think I was a bit uncertain as to</p> <p>16 whether Shinder expressly told us that he had learned</p> <p>17 that something was amiss, or whether we, based upon</p> <p>18 what Shinder told us, we concluded that that was</p> <p>19 probably what Shinder had learned.</p> <p>20 This refreshes my recollection that</p> <p>21 apparently Shinder told us that, based upon what he</p> <p>22 learned, he, in fact, concluded that there was a</p> <p>23 discrepancy.</p> <p>24 Q And the last paragraph talks about the</p> <p>25 meet and confer with Gibson Dunn. And it says, the</p>

22 (Pages 82 - 85)

<p style="text-align: right;">Page 86</p> <p>1 last sentence, quote, We were not given timely  2 information or direction as to what our position  3 would be at the meet and confer.  4 Is that consistent with what you told me  5 about your inability to meet and confer responsibly,  6 given the lack of information from Donziger to you?  7 A Yes.  8 Q Since we're talking about Mr. Shinder,  9 let's turn to tab 50. And while we're doing that, do  10 you know a gentleman by the name of Doug Beltman?  11 A The name is not familiar.  12 Q Okay. Do you know any of the principals  13 of Stratus Consulting? Have you ever talked with  14 them or met them?  15 A I have the faintest of recollections that  16 at some point I spoke with somebody, one of the  17 principals at Stratus, when we were -- when we were  18 trying to decide whether we would represent them.  19 And all I recall the principal telling me  20 is that they were thinking about it or they had  21 turned it over to their counsel for consideration.  22 But Beltman's name isn't familiar.  23 Q -- okay. And that conversation on the  24 engagement was before this discussion about meeting  25 Stratus in Boulder came about; is that correct?</p>	<p style="text-align: right;">Page 88</p> <p>1 Q Let me direct your attention to what is  2 written in it. It says up top left, the date as I  3 mentioned is 3/19/2010. And does that refresh your  4 recollection about in or around the time that someone  5 from your firm had that conversation to which you  6 referred with Jeff Shinder, after his meeting in  7 Boulder?  8 MR. GOMEZ: Objection. Form.  9 THE SPECIAL MASTER: I'm sorry? What was  10 the objection?  11 MR. GOMEZ: Form.  12 THE SPECIAL MASTER: What was the form?  13 Let me -- hold on a second, Mr. Gomez. I want to  14 look at it.  15 I'm going to sustain that form.  16 Break it down, Mr. Blume.  17 MR. BLUME: Sure.  18 Q (BY MR. BLUME) Do you recall --  19 THE SPECIAL MASTER: That is, I'm going to  20 sustain the objection to form. I'm not sustaining  21 the form.  22 MR. BLUME: Very well.  23 Q (BY MR. BLUME) Mr. McDermott, do you  24 recall approximately when Mr. Shinder met with the  25 Stratus people in Boulder?</p>
<p style="text-align: right;">Page 87</p> <p>1 A I'm pretty sure.  2 Q All right. And let me direct your  3 attention to what has been marked 4010.  4 (Exhibit 4010 marked.)  5 MR. BLUME: Mr. Gomez, these are  6 handwritten notes with the date in the upper  7 right-hand corner 3/19/2010.  8 Q (BY MR. BLUME) And after you've had a  9 chance to review it, I would ask you first,  10 Mr. McDermott, whether you recognize the handwriting  11 of these notes?  12 A I don't, unless they're Ericka's. Again,  13 I don't think they're Michael Hoke's. They're not  14 mine. And if they came from our files, as it appears  15 that they did, then I assume they're Ericka's. But I  16 don't know that.  17 Q Okay. And is it the -- this was produced  18 with a Bates No. BHFS 56, coming from your files.  19 Would it be the ordinary course of lawyers  20 in your firm to take notes of substantive meetings?  21 A Yes.  22 Q And would it be the ordinary course of  23 lawyers of the firm to maintain those notes in your  24 files?  25 A Yes.</p>	<p style="text-align: right;">Page 89</p> <p>1 A Yeah. It appears to be on or about  2 March 19th.  3 Q Okay.  4 A Or March 18th.  5 Q And I think you testified earlier that you  6 learned of the substance of Mr. Shinder's meeting  7 with Stratus by way of you, being the firm, learned  8 by way of a phone call with Mr. Shinder; is that  9 correct?  10 A Yes.  11 Q And do you recall whether you participated  12 personally in that call or members of your team did  13 only?  14 A I don't -- I don't remember. What I do  15 remember is sitting in the parking lot of a back  16 doctor, learning of this one way or another in the  17 parking lot. And literally telling Michael or  18 Ericka, having a discussion about my discomfort.  19 And we talked it through. And then we  20 concluded, although it was my responsibility, I was a  21 partner in the case, that we had to get out.  22 Q And looking at some of the writings in  23 these notes, the third line down, it says, Beltman,  24 underlined, told was retained to do environmental  25 evaluation, but then morphed into him writing.</p>

23 (Pages 86 - 89)

<p style="text-align: right;">Page 90</p> <p>1 Do you recall, in learning about the call 2 with Mr. Shinder, that your firm learned that, in 3 fact, Mr. Beltman -- that this is consistent with 4 what you learned, that Mr. Beltman had been retained 5 to do an evaluation, but then ultimately ended up 6 writing significant portions of the Cabrera report? 7 A I don't know about significant portions, 8 but I do -- but 4010 does refresh my recollection 9 that I did learn that Beltman or Stratus had written 10 some portion of the Cabrera report. 11 I don't recall how significant it was. 12 Q Sure. There's a comment in here that's 13 right after that in small -- 14 THE SPECIAL MASTER: Excuse me. Are you 15 looking at -- are you looking at 4010? 16 THE DEPONENT: Yes, Your Honor. 17 THE SPECIAL MASTER: Mr. Blume? 18 THE DEPONENT: Yes, Your Honor. 19 MR. BLUME: Yes, Your Honor. 20 THE SPECIAL MASTER: You know, you have to 21 think of transcript. Just imagine what the reader of 22 the transcript just heard from you. Hasn't the 23 faintest clue what you're talking about. So if you 24 say, to do this right, you have to say, Mr. Witness, 25 would you please take a look again at 4010?</p>	<p style="text-align: right;">Page 92</p> <p>1 THE SPECIAL MASTER: Now looking at 4010, 2 the handwritten notes, having now seen Exhibit 4000 3 and your testimony about that, does this help you 4 recall or does this help you tell us whose notes 5 these are, 4010? 6 THE DEPONENT: Yes, Your Honor. 7 MR. GOMEZ: With due respect, objection to 8 form. 9 THE SPECIAL MASTER: What did I do now? 10 Hold on a second, Mr. Gomez, let me just look. 11 MR. TREECE: Your Honor, may I interject 12 something? 13 THE SPECIAL MASTER: Yes, sir. 14 MR. TREECE: Your Honor might look at the 15 first entry on that page, which is the 3/19/10 entry 16 of Ericka Englert, as you work through these lines of 17 questions. 18 THE SPECIAL MASTER: I really have only 19 one more question, which is, you know, counsel tried 20 to identify these notes before. I think the way to 21 try to identify these notes is to look at the 22 document and that's what I'm asking the witness. 23 Does this help you help us as to who the 24 author of these notes was? 25 THE DEPONENT: Yes, Your Honor. I think</p>
<p style="text-align: right;">Page 91</p> <p>1 That way the reader of the transcript who 2 doesn't necessarily have the video, and I wouldn't if 3 I weren't reading the transcript, would know what 4 document he needs to have or she needs to have in 5 front of her. 6 And while I'm on the subject, this is not 7 adding work, this is reducing work, what I'm about to 8 do. 9 Would you take a look, Mr. Witness, at 10 Exhibit 4000. 11 THE DEPONENT: I have it in front of me, 12 Your Honor. 13 THE SPECIAL MASTER: And would you look at 14 page 16. 15 THE DEPONENT: Yes, Your Honor. 16 THE SPECIAL MASTER: And would you look at 17 the two entries, the fourth from the bottom and the 18 third from the bottom. Do you see those? 19 THE DEPONENT: Yes. 20 THE SPECIAL MASTER: And do those two 21 entries indicate to you that the person who had the 22 conversation, these seem to show two conversations, 23 is that the person who had the conversation with 24 Mr. Shinder was Michael Hoke? 25 THE DEPONENT: Yes, Your Honor.</p>	<p style="text-align: right;">Page 93</p> <p>1 they are Mr. Hoke's. And I misspoke earlier when I 2 said I didn't think they were Mr. Hoke's. But I do 3 think they're Mr. Hoke's notes. 4 THE SPECIAL MASTER: And in fact, you see, 5 do you not, a telephone number for Ericka there, 6 right? 7 THE DEPONENT: Yes. 8 THE SPECIAL MASTER: See that? 9 THE DEPONENT: Yes. 10 THE SPECIAL MASTER: Well, she's not going 11 to write her own telephone number on her own notes, 12 is she? 13 THE DEPONENT: Associates do odd things. 14 THE SPECIAL MASTER: That's true. 15 MR. GOMEZ: Excuse me, Mr. Gitter, excuse 16 me. This is Mr. Gomez. I just need to state for the 17 record that I object to the form. I think there's 18 some leading here. I think there's some speculation 19 involved in the questions. I think the witness -- I 20 don't want to be accused of violating the rules on 21 speaking objections, and I'll just leave it at that. 22 THE SPECIAL MASTER: Okay. I disagree 23 with you. This is, you know, just trying to identify 24 something. And this is usually how I do it and many 25 others that I know do it. I don't think it's</p>

24 (Pages 90 - 93)

<p style="text-align: right;">Page 94</p> <p>1 objectionable.</p> <p>2 In any event, now, Mr. Blume, try to speed</p> <p>3 it up.</p> <p>4 Q (BY MR. BLUME) If you could describe for</p> <p>5 us -- well, do you recall the conversation you had</p> <p>6 with Mr. Hoke about his call with Mr. Shinder and</p> <p>7 what he told you specifically about that call?</p> <p>8 A Yes, but I'm not -- I don't recall whether</p> <p>9 I first learned of the contents of the call in</p> <p>10 writing or in a discussion with Mr. Hoke. I know at</p> <p>11 some point I probably had multiple -- I know I had</p> <p>12 multiple -- I know I had discussions with Mr. Hoke.</p> <p>13 Q Okay.</p> <p>14 A So, yeah, I recall that Mr. Hoke was</p> <p>15 troubled by what he had learned. And he -- and he</p> <p>16 conveyed to me what is generally, what is represented</p> <p>17 in 4010.</p> <p>18 Q Was part of that discussion that Mr. Hoke</p> <p>19 had with you, did he mention this comment he makes</p> <p>20 about halfway into the page where it says, Be leery</p> <p>21 about information we're getting.</p> <p>22 Do you recall having that conversation</p> <p>23 about that with Mr. Hoke, about his conversation with</p> <p>24 Mr. Shinder?</p> <p>25 A I actually don't recall that part of it.</p>	<p style="text-align: right;">Page 96</p> <p>1 MR. BLUME: And Mr. Gomez, these are</p> <p>2 handwritten notes, upper right-hand corner dated</p> <p>3 3/19/2010. Upper left-hand corner, it says in</p> <p>4 handwriting, Call with Steven Donziger.</p> <p>5 Q (BY MR. BLUME) And I would ask you,</p> <p>6 Mr. McDermott, if you recognize the handwriting on</p> <p>7 Exhibit 4011, which is Bates No. BHFS 55.</p> <p>8 A Well, I think it's Mr. Hoke's handwriting.</p> <p>9 Q Okay. And just so I'm clear, there's a</p> <p>10 middle number on the top 13920.1. Is that, in fact,</p> <p>11 a client and matter number that the Brownstein firm</p> <p>12 assigned to this matter?</p> <p>13 And I could direct your attention to</p> <p>14 Exhibit 4000 to refresh your recollection.</p> <p>15 A Well, you're not refreshing my</p> <p>16 recollection because as any lawyer at Brownstein will</p> <p>17 tell you, I never know what the client numbers are.</p> <p>18 Q Okay. Is the client number on the invoice</p> <p>19 that is Exhibit 4000 consistent with that number in</p> <p>20 the handwritten notes?</p> <p>21 A Yes.</p> <p>22 Q And was it the ordinary course of</p> <p>23 Brownstein lawyers to keep notes such as what we have</p> <p>24 in Exhibit 4011?</p> <p>25 A Yes.</p>
<p style="text-align: right;">Page 95</p> <p>1 Q Okay. What about the next line where he</p> <p>2 says, Like criminal defense lawyer with guilty client</p> <p>3 making procedural objections.</p> <p>4 Does that refresh your memory about that</p> <p>5 portion of the conversation?</p> <p>6 A No.</p> <p>7 Q And what about the next line? It says,</p> <p>8 Physically ill - fraud on foreign court.</p> <p>9 Do you recall having a conversation with</p> <p>10 Mr. Hoke about that portion of his call?</p> <p>11 A Generally, in the sense that Michael Hoke,</p> <p>12 who is a rather deliberate individual, and does not</p> <p>13 get exercised (sic) about much, was troubled by what</p> <p>14 he had learned. And we were all troubled by what we</p> <p>15 had learned.</p> <p>16 Q Is it fair to say that one of the things</p> <p>17 that troubled you about what you had learned is the</p> <p>18 fact that it was inconsistent with what you had</p> <p>19 learned previously from Mr. Donziger about Stratus's</p> <p>20 role in the Ecuadorian litigation?</p> <p>21 A Yes.</p> <p>22 Q If I could turn to tab 52, please.</p> <p>23 (Exhibit 4011 marked.)</p> <p>24 Q (BY MR. BLUME) I place before you</p> <p>25 Document 4011.</p>	<p style="text-align: right;">Page 97</p> <p>1 Q And was it the ordinary course of the firm</p> <p>2 to maintain those notes in its client files?</p> <p>3 A Yes.</p> <p>4 Q These handwritten notes purport to reflect</p> <p>5 a call with Mr. Donziger on March 19th, 2010.</p> <p>6 Do you recall whether you personally</p> <p>7 participated in a call with Mr. Donziger on or around</p> <p>8 March 19th, 2010?</p> <p>9 A I believe I did. I would hope that I</p> <p>10 wouldn't have asked an associate to do that. But I'm</p> <p>11 pretty sure that I did, but I guess I'm not positive.</p> <p>12 Q Okay. And I only ask because I didn't see</p> <p>13 it reflected in your time sheets. Is it possible</p> <p>14 that you would have had that call and not recorded</p> <p>15 the time, or perhaps you weren't on that call?</p> <p>16 A Well, actually, I think probably what</p> <p>17 happened is that I, again, was in this parking lot of</p> <p>18 the physician, and so I probably didn't</p> <p>19 contemporaneously write it on my time sheet, which is</p> <p>20 not good.</p> <p>21 But my guess is that's what happened, but</p> <p>22 maybe not. Maybe I wasn't on the call.</p> <p>23 Q Well, if I could direct your attention to</p> <p>24 the bottom quarter of the notes where it says, JBM's</p> <p>25 cell. Is that a number that you would have provided</p>

25 (Pages 94 - 97)

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400

<p style="text-align: right;">Page 98</p> <p>1 to Mr. Donziger for -- in this circumstance, or would  2 it be the practice of Mr. Hoke to give out your cell  3 without your permission?  4 A Well, that was and is my cell number. I  5 think I was interpreting this that there was a call  6 with Mr. Donziger, and then I probably told Michael  7 to call me and he called me on my cell phone. But --  8 Q Okay. And let me -- I'm sorry, my error.  9 Direct your attention -- in fact, there is a notation  10 in the time sheet, Exhibit 4000, on March 19th, 2010.  11 While your time is not recorded,  12 Ms. Englert's time says, telephone conference with S.  13 Donziger, John McDermott and Michael Hoke.  14 Does that refresh your recollection more  15 specifically whether you actually participated in  16 this call with Mr. Donziger?  17 A And Steven Donziger, right?  18 Q Right.  19 A On March 19th. Yes, it does refresh my  20 recollection. And it appears that I did participate.  21 Q And what do you recall would be the  22 purpose with Mr. Donziger, and what do you recall was  23 discussed?  24 THE SPECIAL MASTER: Hello? This is --  25 this is the New York conference room and we have lost</p>	<p style="text-align: right;">Page 100</p> <p>1 A Well, my recollection is that we were  2 calling --  3 Q (BY MR. BLUME) Sorry.  4 A My recollection is that we were  5 telephoning Mr. Donziger to tell him what we had  6 learned and advise him of our concerns with  7 proceeding in the case. And maybe to get his  8 reaction.  9 Q And there's a statement in the top of the  10 notes which says, Clear Stratus was working with  11 local counsel to prepare materials to submit to  12 Cabrera.  13 In the sub bullet 11 of 17, Annexes  14 prepared by Stratus almost whole cloth, also exec  15 summary.  16 Do you recall speaking to that level of  17 specificity with Mr. Donziger about Stratus's role in  18 the Cabrera report?  19 A No, I don't.  20 MR. GOMEZ: Objection.  21 THE SPECIAL MASTER: I'm sorry, what was  22 that, Mr. Gomez?  23 MR. GOMEZ: Objection. Privilege.  24 THE SPECIAL MASTER: Overruled for the  25 waiver, but I need to know something at this point.</p>
<p style="text-align: right;">Page 99</p> <p>1 you for about ten minutes or five minutes.  2 Mr. Gomez, are you on?  3 MR. GOMEZ: Yes, I am.  4 THE SPECIAL MASTER: Have you been on the  5 whole time?  6 MR. GOMEZ: Yes, I can hear everything  7 that is going on.  8 THE SPECIAL MASTER: Oh, we've been off  9 both video and audio for maybe five minutes. We have  10 no video right now, so we'll just listen.  11 MR. BLUME: Okay. We will make efforts,  12 Your Honor, my apologies, to get that video link back  13 up.  14 THE SPECIAL MASTER: That's all right. We  15 have LiveNote is, however, working, so we didn't miss  16 very much.  17 MR. BLUME: Okay. Great.  18 Q (BY MR. BLUME) If you could tell us,  19 Mr. McDermott, what your recollection was of the call  20 with Mr. Donziger on March 19th, 2010?  21 MR. GOMEZ: Objection. Privilege.  22 THE SPECIAL MASTER: Well, it's overruled  23 for a start. It's been waived. And once I hear the  24 testimony about it, I may also add the crime fraud  25 exception.</p>	<p style="text-align: right;">Page 101</p> <p>1 Mr. McDermott, who was speaking? Was it  2 you or someone on your team, or was it Mr. Donziger  3 in the first two lines, as reflected in the first two  4 lines that Mr. Blume just read?  5 Clear Stratus was working with local  6 counsel to prepare materials to submit to Cabrera.  7 Bullet point 11 of 17, Annexes prepared by Stratus  8 almost whole cloth, also exec summary.  9 Who was speaking those words or the  10 substance of those words?  11 THE DEPONENT: Your Honor, my best  12 recollection is it was somebody from our team,  13 either -- I believe it was someone from our team. I  14 would think it would be -- have been me because I  15 think the nature of this call was such that I would  16 have taken the lead. But I can't be certain.  17 Q (BY MR. BLUME) Do you recall what  18 Mr. Donziger's reaction was to your describing for  19 him your call with Mr. Shinder?  20 MR. GOMEZ: Objection. Privilege.  21 THE SPECIAL MASTER: Overruled. Waived.  22 A What did he say, waived?  23 Q (BY MR. BLUME) You can answer. He said  24 waived.  25 A Well, my recollection --</p>

26 (Pages 98 - 101)

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400



<p style="text-align: right;">Page 102</p> <p>1 THE SPECIAL MASTER: Mr. McDermott --</p> <p>2 THE DEPONENT: Yes, Your Honor.</p> <p>3 THE SPECIAL MASTER: I'm sorry. If you're</p> <p>4 waiting on me, just please answer the question.</p> <p>5 THE DEPONENT: Thank you.</p> <p>6 A My recollection is, what is referenced</p> <p>7 behind SD on 4011, which is that Mr. Donziger said</p> <p>8 that -- acknowledged that it had occurred, but said</p> <p>9 he didn't think it was inappropriate under Ecuadorian</p> <p>10 law.</p> <p>11 Q (BY MR. BLUME) There's a reference down</p> <p>12 on the bottom of, in a sub bullet 1 --</p> <p>13 THE SPECIAL MASTER: I add -- excuse me</p> <p>14 I add the crime fraud exception now, as to the</p> <p>15 portion uttered by Mr. Donziger.</p> <p>16 Q (BY MR. BLUME) There's a bullet point</p> <p>17 number 1 down below that says, Paramount issue,</p> <p>18 ethical, check all filings and correspondence for</p> <p>19 misrepresentations.</p> <p>20 Do you recall that part of the discussion?</p> <p>21 A Yes.</p> <p>22 Q Okay. What do you recall about that?</p> <p>23 A Well, my recollection is that Donziger,</p> <p>24 Mr. Donziger, was not on that part of the call. That</p> <p>25 although I believe I raised those same issues in the</p>	<p style="text-align: right;">Page 104</p> <p>1 the concerns that were developing.</p> <p>2 Q Okay. So just so the record is clear, did</p> <p>3 you begin to develop, you mentioned earlier,</p> <p>4 suspicions and concerns even before you had a deep,</p> <p>5 substantive conversation with Mr. Shinder?</p> <p>6 A Yes.</p> <p>7 MR. GOMEZ: Objection.</p> <p>8 Q (BY MR. BLUME) And are those the concerns</p> <p>9 that were raised with Mr. Donziger in this call on</p> <p>10 Exhibit 4011?</p> <p>11 MR. GOMEZ: I'm sorry, could you repeat</p> <p>12 that, please?</p> <p>13 Q (BY MR. BLUME) Yes, did -- was it those</p> <p>14 initial concerns and suspicions that led you to have</p> <p>15 the conversation with Mr. Donziger as reflected in</p> <p>16 Exhibit 4011, as well as this earlier call with</p> <p>17 Mr. Shinder, first call with Mr. Shinder?</p> <p>18 MR. GOMEZ: Objection.</p> <p>19 THE SPECIAL MASTER: I'm sorry, I'm</p> <p>20 confused by the question. The question --</p> <p>21 (Audio feedback.)</p> <p>22 MR. BLUME: Your Honor, yeah, if you could</p> <p>23 disconnect the teleconference. Okay. Are we back,</p> <p>24 Your Honor?</p> <p>25 THE SPECIAL MASTER: We were off for a</p>
<p style="text-align: right;">Page 103</p> <p>1 call with Mr. Donziger and I think they're reflected</p> <p>2 in the upper half of 4011.</p> <p>3 But then when Michael and I or Michael,</p> <p>4 Ericka and I talked, I believe immediately after our</p> <p>5 call with Mr. Donziger, I raised those three issues</p> <p>6 with Mr. Hoke and Ms. Englert.</p> <p>7 Q Let me direct your attention back to</p> <p>8 Exhibit 4000, if I might, which is the invoice. And</p> <p>9 I just want to -- this may -- I think maybe the</p> <p>10 record is a little unclear based on my poor</p> <p>11 questioning.</p> <p>12 If I could direct your attention to</p> <p>13 page 15 of 18. There's a time entry for Ericka</p> <p>14 Englert on March 18th reflecting a telephone</p> <p>15 conversation with Mr. Schindler -- Shinder misspelled</p> <p>16 -- leading to the next page of a conversation with</p> <p>17 Mr. Donziger on 19 March, leading to another</p> <p>18 conversation with Mr. Shinder on 19 March.</p> <p>19 Do you recall that there were, in fact,</p> <p>20 two conversations with Mr. Shinder, one before this</p> <p>21 conversation with Mr. Donziger, and one after?</p> <p>22 A I think -- I think that's accurate because</p> <p>23 I recall for some reason -- for some reason, I felt</p> <p>24 like we had to get Donziger's, Mr. Donziger's</p> <p>25 approval to talk to Mr. Shinder because of some of</p>	<p style="text-align: right;">Page 105</p> <p>1 bit. But I still was confused by the questioning</p> <p>2 there.</p> <p>3 MR. BLUME: And I'll try to be clear.</p> <p>4 THE SPECIAL MASTER: Break it up.</p> <p>5 MR. BLUME: Sure.</p> <p>6 Q (BY MR. BLUME) According to your time</p> <p>7 sheets, there was an initial call with Mr. Shinder</p> <p>8 and then a call with Mr. Donziger and then another</p> <p>9 call with Mr. Shinder. Is that how you recall it</p> <p>10 happening?</p> <p>11 A That's my recollection now after reviewing</p> <p>12 this material.</p> <p>13 Q Okay.</p> <p>14 A Material being 4000, 4011.</p> <p>15 Q Because at the bottom of 4011 it reflects</p> <p>16 a note that says, Anything untoward? Need to talk to</p> <p>17 Shinder. E-mail to Steven to get okay to talk to</p> <p>18 Shinder. Let Steven know will forward to Jeff.</p> <p>19 Do you see that?</p> <p>20 A Yes.</p> <p>21 Q And that reflects your requesting of</p> <p>22 Mr. Donziger permission to speak to Mr. Shinder about</p> <p>23 his concerns, again; isn't that right?</p> <p>24 A Yes.</p> <p>25 Q Okay. And then you had that conversation</p>

27 (Pages 102 - 105)

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400

<p style="text-align: right;">Page 106</p> <p>1 on March 19th with Mr. Shinder in which he revealed  2 in more detail his concerns; isn't that right?  3 A That's my recollection.  4 Q And it was in that conversation on  5 March 19th, was it not, that you learned that  6 Mr. Shinder was actually withdrawing from his  7 representation; is that correct?  8 A I'm not sure whether that was the first or  9 second call.  10 Q Okay.  11 A There's a part of me that thinks the  12 reason we felt like we had to ask Mr. Donziger for  13 permission is that maybe Shinder had already  14 withdrawn. And therefore, there might be a concern  15 with a privilege waiver if I spoke to Shinder after  16 he had withdrawn.  17 And so maybe I felt like I had to get  18 Donziger's permission.  19 Q Okay. But suffice to say during the  20 period in and around March 18th and 19th, 2010, you  21 had conversations with Mr. Shinder in which you  22 learned information which was inconsistent with what  23 you had previously learned from Mr. Donziger about  24 Stratus's role in Ecuador; is that correct?  25 A Yes.</p>	<p style="text-align: right;">Page 108</p> <p>1 Q Okay. Is it possible -- well, do you know  2 whether or not either Ms. Englert or Mr. Hoke met  3 with Mr. Donziger?  4 A I don't.  5 Q Is it fair to say that if those meetings  6 occurred, they would be most likely reflected in the  7 invoice that is Exhibit 4000 in this case?  8 A Yes.  9 Q Okay. And if I could get tab 17, please.  10 (Exhibit 4013 marked.)  11 Q (BY MR. BLUME) And while we're doing  12 that, if I could direct your attention on  13 Exhibit 4000 to an entry on page 8 of 18, which is a  14 time entry for February 24th in which Mr. Hoke  15 indicates a conference with Ericka Englert and  16 S. Donziger re case strategy and issues.  17 Do you recall learning about a conference  18 in and around February 24th, 2010 between  19 Mr. Donziger and your team?  20 A I'm sorry, I just don't remember that.  21 Q Okay. And let me place before you  22 Exhibit 4013. And that's without -- you're free to  23 look through the substance, but ask whether or not  24 you recognize the handwriting on that exhibit?  25 A No.</p>
<p style="text-align: right;">Page 107</p> <p>1 Q Okay. Prior to March of 2010, do you  2 recall how many times you had actually met with  3 Mr. Donziger about your efforts in Colorado?  4 A You know, I was thinking about this last  5 night. I don't know if I ever met with Mr. Donziger.  6 If I did, it was, you know, once, maybe. I just  7 don't -- once or twice. I honestly, I can't even  8 visualize him.  9 Q Okay. Let me just show you something,  10 perhaps refresh your recollection, tab 14.  11 (Exhibit 4012 marked.)  12 MR. BLUME: And I'll mark this as  13 Exhibit 4012. Which comes out of -- which has a  14 Bates number of Woods-HDD-0007981 and purports to be  15 an e-mail to file from Mr. Donziger, dated  16 4 February 2010, reflecting Miami, Florida and  17 Boulder, Colorado trip expenses from January 27  18 to 30, 2010.  19 I show that to you because your name is  20 mentioned and ask you only if it refreshes your  21 recollection as to whether you may have met with  22 Mr. Donziger in or around the end of January of 2010.  23 A It doesn't. I'm not saying I didn't meet  24 with him, but I don't have any recollection of ever  25 meeting with him.</p>	<p style="text-align: right;">Page 109</p> <p>1 Q Okay. It's dated February 24, 2010, with  2 the case number in the upper left-hand corner.  3 Would it be reasonable to assume that  4 this -- and it says meeting with S. Donziger and  5 Ericka Englert.  6 Is it fair to assume from the time entries  7 that these are Mr. Hoke's notes from that meeting as  8 reflected in Exhibit 4000?  9 A Yes.  10 Q And these are notes that Mr. Hoke and your  11 firm kept in the ordinary course of business?  12 A Yes.  13 Q And it would be the ordinary course of the  14 business at the Brownstein firm to keep such notes?  15 A Yes.  16 Q There is at the bottom of Bates No. BHFS  17 49, there's a note that says, One meeting between  18 Stratus and Cabrera. It goes on to say, Can we  19 allege Chevron's experts also had such contact?  20 Do you remember -- do you have any  21 recollection of a discussion with either Mr. Hoke,  22 Ms. Englert or Mr. Donziger about that specific point  23 in and around the end of February 2010?  24 A No.  25 Q Okay. Direct your attention to Bates No.</p>

28 (Pages 106 - 109)

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400



<p style="text-align: right;">Page 110</p> <p>1 BHFS 51. There is initials, EHE.  2 Do you see that?  3 A Yes.  4 Q And do you recognize that, those initials  5 to be -- I'm sorry, EH -- I'm sorry, EFE, I think.  6 Do you recognize that to be Ericka Englert?  7 A I suspect it is.  8 Q And it says, Does Cabrera use Chevron  9 info? SD: Yes.  10 Do you see that?  11 A Yes.  12 Q Do you recall looking at that, those  13 series of notes, do you recall having a discussion  14 with Ms. Englert or Mr. Hoke or Mr. Donziger about  15 anything reflected in those notes?  16 A What I remember is, as I recall,  17 Mr. Donziger was making an argument that to the  18 extent that there were -- to the extent that there  19 were communications between Cabrera and our  20 Ecuadorian clients, there were similar contacts  21 between Mr. Cabrera and Chevron or Chevron's experts.  22 And that was permissible.  23 Q Okay.  24 A So qualitatively, the context didn't  25 differ.</p>	<p style="text-align: right;">Page 112</p> <p>1 19, please.  2 (Exhibits 4014 and 4015 marked.)  3 Q (BY MR. BLUME) I'll place before you what  4 is marked as Exhibit 4011 -- I'm sorry, 4014. And  5 that is Bates No. DONZ 00053758, a two-page e-mail,  6 the most recent of which is January 28th, 2010, in  7 which, during this chain Mr. Donziger provides to you  8 a provision of Ecuadorian civil code.  9 Let me just ask you, is this e-mail -- was  10 this e-mail such that it was kept in the ordinary  11 course of the Brownstein firm's business?  12 A Yes.  13 Q And would it be the ordinary course of  14 business at the Brownstein firm to keep such an  15 e-mail?  16 A Yes.  17 Q And is this -- do you remember receiving  18 this e-mail?  19 A No.  20 Q Okay. Do you remember asking Mr. Donziger  21 for specific provisions of Ecuadorian civil code?  22 A Yes.  23 Q And this is about a topic about the  24 closing of the evidentiary period in Lago. Do you  25 remember that being a point of discussion between you</p>
<p style="text-align: right;">Page 111</p> <p>1 Q All right.  2 A I assume that's what they were talking  3 about here.  4 Q And do you recall in and around the end of  5 February 2010 whether or not Mr. Donziger told you or  6 any member of your team about Stratus's efforts to  7 write any portion of the Cabrera report?  8 MR. GOMEZ: Objection. Privilege.  9 THE SPECIAL MASTER: Overruled. Let's  10 hear the substance of it and then I may add crime  11 fraud.  12 A I don't recall -- I don't recall  13 Mr. Donziger telling us that Stratus wrote a portion  14 of the Cabrera report.  15 THE SPECIAL MASTER: I add crime fraud.  16 Q (BY MR. BLUME) Is it fair to say,  17 Mr. McDermott, that both you and your associates  18 relied on Mr. Donziger to provide you the factual  19 information about the proceedings in Ecuador?  20 A Yes, either from he, Mr. Donziger, or as I  21 have testified previously, he indicated that he was  22 arranging for us to get affidavits or other factual  23 support from Ecuador.  24 Q Okay.  25 MR. BLUME: If I could have tabs 18 and</p>	<p style="text-align: right;">Page 113</p> <p>1 and Mr. Donziger?  2 A Yes.  3 Q Okay. Do you recall whether Mr. Donziger  4 ever sent to you any provision of the Ecuadorian code  5 regarding contact with court-appointed experts?  6 A I don't recall one way or another.  7 Q Okay. Let me place before you what is  8 marked as 4015. This is an e-mail from Mr. Donziger  9 to you, Mr. Hoke and Ms. Englert, dated 22 February.  10 Donziger production 114910. It's a two-page e-mail.  11 And in all caps up top, Mr. -- and is this  12 an e-mail that would be kept by the Brownstein firm  13 in the ordinary course of its business?  14 A Yes.  15 Q And would it be the ordinary course of the  16 Brownstein firm to keep such an e-mail related to  17 client matters?  18 A Yes.  19 Q On the top there is an all bolded  20 paragraph addressed to you, Ericka and Michael.  21 Do you see that?  22 A Yes.  23 Q And it says, Below is the beginning of our  24 memo that outlines possible legal arguments to block  25 Chevron's 1782 application.</p>

29 (Pages 110 - 113)

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400

<p style="text-align: right;">Page 114</p> <p>1 Do you see that?</p> <p>2 A Yes.</p> <p>3 Q It goes on to say, Will send full memo</p> <p>4 with factual and other issues by tomorrow.</p> <p>5 Did you rely on Mr. Donziger to provide</p> <p>6 you the sum and substance of the memorandum that he</p> <p>7 wanted to file in opposition to Chevron's 1782nd</p> <p>8 petition?</p> <p>9 MR. GOMEZ: Object. Privileged.</p> <p>10 THE SPECIAL MASTER: Let me look at that</p> <p>11 again.</p> <p>12 Overruled. Waiver. Yeah.</p> <p>13 A Well, let me answer --</p> <p>14 THE SPECIAL MASTER: Please answer the</p> <p>15 question.</p> <p>16 THE DEPONENT: All right. Thank you, Your</p> <p>17 Honor.</p> <p>18 A Let me answer it this way. We, Brownstein</p> <p>19 lawyers, had our responsibilities to the Court,</p> <p>20 Rule 11 and otherwise.</p> <p>21 So ultimately if we signed a document with</p> <p>22 the Court, it's our responsibility. But Mr. Donziger</p> <p>23 was our principal support -- was our principal source</p> <p>24 for what we anticipated we would ultimately put in</p> <p>25 whatever we filed with the Court.</p>	<p style="text-align: right;">Page 116</p> <p>1 of money. And we knew that we had to be efficient</p> <p>2 and that he made it clear, understandably, that he</p> <p>3 wanted to know precisely what was going on and what</p> <p>4 we were going to be doing, all understandable.</p> <p>5 It did not seem odd to me. And so we</p> <p>6 prepared this work plan, we being primarily Michael</p> <p>7 and Ericka, prepared this work plan and sent it to</p> <p>8 Mr. Donziger.</p> <p>9 Q Let me direct your attention to page 2 of</p> <p>10 that memo under the heading from Donziger's team.</p> <p>11 The sixth bullet down it says, Documents that could</p> <p>12 be ultimate source for materials Chevron alleges show</p> <p>13 improper contact between Cabrera and Stratus.</p> <p>14 Do you see that sub bullet?</p> <p>15 A Yes.</p> <p>16 Q Example, court filings or other public</p> <p>17 cost documents containing the same figures regarding</p> <p>18 the use of lower TPH standards such as that found in</p> <p>19 mediation materials.</p> <p>20 Do you recall ever receiving information</p> <p>21 from Mr. Donziger that --</p> <p>22 (Mr. Mastro joined the video conference</p> <p>23 from New York office.)</p> <p>24 THE SPECIAL MASTER: Mr. Blume, I'm going</p> <p>25 to interrupt to state for the record that Randy</p>
<p style="text-align: right;">Page 115</p> <p>1 Q (BY MR. BLUME) And at any point in time,</p> <p>2 did you -- well, strike that.</p> <p>3 MR. BLUME: If I could have tab 20,</p> <p>4 please.</p> <p>5 (Exhibit 4016 marked.)</p> <p>6 Q (BY MR. BLUME) I place before you,</p> <p>7 Mr. McDermott, Exhibit No. 4016. This is a</p> <p>8 memorandum on Brownstein Hyatt Farber &amp; Schreck</p> <p>9 letterhead, dated 26 February 2010 to Steven</p> <p>10 Donziger, copied to Ericka Englert, from Michael</p> <p>11 Hoke.</p> <p>12 Do you see that?</p> <p>13 A Yes.</p> <p>14 Q Is this a memorandum that was kept in the</p> <p>15 ordinary course of business at the Brownstein firm?</p> <p>16 A Yes.</p> <p>17 Q And would it be the ordinary course of</p> <p>18 business of the Brownstein firm to keep such a</p> <p>19 record?</p> <p>20 A Yes.</p> <p>21 Q Do you recognize this document?</p> <p>22 A Yes.</p> <p>23 Q What do you recognize it to be?</p> <p>24 A Well, I just -- I recall that -- I mean,</p> <p>25 we were on -- we knew Mr. Donziger didn't have a lot</p>	<p style="text-align: right;">Page 117</p> <p>1 Mastro has just walked into the room. If you look</p> <p>2 this way, you'll see him.</p> <p>3 MR. BLUME: Mr. Mastro, Mr. Treece,</p> <p>4 counsel for John McDermott, the Brownstein firm, and</p> <p>5 John McDermott, the witness.</p> <p>6 MR. MASTRO: Mr. McDermott.</p> <p>7 MR. BLUME: Mr. Mastro is my partner from</p> <p>8 New York.</p> <p>9 Q (BY MR. BLUME) Do you recall at any point</p> <p>10 in time, referring to bullet 6 on page 2 of the</p> <p>11 memorandum you prepared, the work plan, do you have</p> <p>12 any recollection of receiving any documents that</p> <p>13 satisfied you that there was an alternate source for</p> <p>14 materials Chevron alleged showed improper contact</p> <p>15 between Cabrera and Stratus?</p> <p>16 A No.</p> <p>17 Q Directing your attention down to the next</p> <p>18 section, B, draft opposition brief. It says, Fact</p> <p>19 section and it has a bracket, A. Woods, S. Donziger,</p> <p>20 E. Englert, M. Hoke.</p> <p>21 Michael Hoke and Ericka Englert work for</p> <p>22 the Brownstein firm, that's correct, right?</p> <p>23 A They did. At the time Mr. Hoke still</p> <p>24 does, Mrs. Englert does not.</p> <p>25 Q Right. Did you rely, and did you and your</p>

30 (Pages 114 - 117)

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400

<p style="text-align: right;">Page 118</p> <p>1 team rely exclusively on Mr. Donziger and Mr. Woods  2 to provide the facts necessary to support the  3 opposition brief in the 1782 action?  4 A Well, I --  5 MR. GOMEZ: Objection. Privilege.  6 THE SPECIAL MASTER: Overruled.  7 A I mean, I don't want to quibble. You used  8 the word exclusive. We certainly relied primarily to  9 an overwhelming extent on them. But presumably we  10 would have documents that would permit us to play  11 some role in the fact section of the brief.  12 But, yes, Mr. Donziger and his office  13 were, were our principal source of information.  14 Q (BY MR. BLUME) Okay. And then under  15 other tasks, C, the second bullet says, Draft and  16 prepare affidavit of Peter Jones.  17 Do you recall who Peter Jones is?  18 A No.  19 Q In the parenthetical, it says, Narrow -  20 just established no contact with Cabrera prior to  21 report, scope of work with Stratus, et cetera.  22 Do you recall ever receiving an affidavit  23 from anyone detailing the actual, true scope of work  24 that Stratus did in Ecuador?  25 A I can't be certain, but I don't believe we</p>	<p style="text-align: right;">Page 120</p> <p>1 MR. GOMEZ: Objection. Form.  2 THE SPECIAL MASTER: Hold on a second.  3 The form is fine.  4 THE DEPONENT: Could somebody repeat it to  5 me?  6 Q (BY MR. BLUME) Sure.  7 A I'm sorry.  8 Q Do you recall receiving any information in  9 response to your work plan -- and let me be more  10 specific.  11 Do you recall receiving from Mr. Donziger  12 any facts in response to requests for such facts as  13 set forth in your work plan?  14 A I can't be certain about that.  15 MR. GOMEZ: Objection. Form.  16 A I would be -- I guess I would be  17 surprised --  18 THE SPECIAL MASTER: Hold on. Objection  19 overruled. Come on, wait a second. One person at a  20 time.  21 THE DEPONENT: I apologize.  22 THE SPECIAL MASTER: No, no, not you,  23 Mr. McDermott.  24 Without the preamble, Mr. Blume, ask your  25 question.</p>
<p style="text-align: right;">Page 119</p> <p>1 ever received that. But I'm not certain.  2 Q Okay. Is it fair to say, Mr. McDermott,  3 that any information you would have received  4 consistent with your work plan dated February 26,  5 2010 regarding Stratus's role in Ecuador was  6 inconsistent with what you heard from Mr. Shinder  7 during your March 2010 telephone conversation?  8 A Could you repeat that or read it back?  9 Q Sure.  10 A Please.  11 Q Is it fair to say that any information you  12 would have received consistent with your work --  13 THE SPECIAL MASTER: Hold on, that makes  14 it -- the form is bad. I just noticed it.  15 MR. BLUME: Okay.  16 THE SPECIAL MASTER: Any information you  17 would have received.  18 MR. BLUME: Very good. Fair enough, thank  19 you, Your Honor.  20 THE SPECIAL MASTER: It's a hypothetical  21 question.  22 Q (BY MR. BLUME) Is it fair to say that --  23 did you receive any information in response to your  24 request as set forth in your work plan dated  25 February 26, 2010?</p>	<p style="text-align: right;">Page 121</p> <p>1 Q (BY MR. BLUME) Do you recall receiving --  2 THE SPECIAL MASTER: You can just read it  3 off of the LiveNote.  4 MR. BLUME: As I am.  5 Q (BY MR. BLUME) Do you recall receiving  6 from Mr. Donziger any facts in response to requests  7 for such facts that were set forth in your  8 February 26 work plan?  9 A I don't know. I guess I would be  10 surprised if he didn't send us something, but he  11 didn't send us much. And he didn't send us anything  12 that would permit us -- that gave me any comfort that  13 I could make any representations to Judge Kane.  14 Q Okay.  15 MR. BLUME: If I could turn -- if I could  16 get tab 25, please.  17 (Exhibits 4017-A and 4017-B marked.)  18 Q (BY MR. BLUME) I place before you first  19 what is marked as Exhibit 4017-A and also 4017-B.  20 And I'll spare you reading 4017-B. You're obviously  21 free to do so.  22 4017-A purports to be an e-mail from  23 Mr. Donziger to you, Mr. Hoke and Ms. Englert, dated  24 20 February 2010, subject, article on Chevron case.  25 Do you see that?</p>

31 (Pages 118 - 121)

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400

<p style="text-align: right;">Page 122</p> <p>1 A Yes.</p> <p>2 Q Do you recall receiving from Mr. Donziger</p> <p>3 in and around February 20th, 2010 a near final draft</p> <p>4 of an academic essay on the Lago case?</p> <p>5 A I have a faint recollection of receiving</p> <p>6 an article from Mr. Donziger.</p> <p>7 Q And in his cover e-mail to you -- and this</p> <p>8 is an e-mail to you which would have been kept in the</p> <p>9 ordinary course at the Brownstein firm?</p> <p>10 A Yes.</p> <p>11 Q And it would have been in the ordinary</p> <p>12 course of business at the Brownstein firm to keep</p> <p>13 such an e-mail?</p> <p>14 A Yes.</p> <p>15 Q The e-mail received from Mr. Donziger</p> <p>16 suggests that this essay, quote, in the first line,</p> <p>17 Provides some of the background of the 17 years of</p> <p>18 litigation and does a moderately decent job of</p> <p>19 documenting Chevron's abusive litigation tactics of</p> <p>20 which the action you are handling is a component in</p> <p>21 our view.</p> <p>22 Do you see that?</p> <p>23 A Yes.</p> <p>24 Q Do you recall why -- well, do you recall</p> <p>25 having conversations -- whether Mr. Donziger told you</p>	<p style="text-align: right;">Page 124</p> <p>1 Q I'm sorry, 4017-B.</p> <p>2 A I'm sorry, what page?</p> <p>3 Q Page 2 of 20. Bates No. DONZ 00019558,</p> <p>4 page 2 of 20.</p> <p>5 A Yes.</p> <p>6 Q If I can direct your attention to the</p> <p>7 second full paragraph, the last sentence, which says,</p> <p>8 quote, The communities operate under a more</p> <p>9 terrifying calculus: More than 1,400 cancer deaths</p> <p>10 due to oil contamination and near constant exposure</p> <p>11 to cancer causing oil hydrocarbons, resulting in</p> <p>12 damages of up to U.S. \$27.3 billion, according to a</p> <p>13 neutral court appointed special master.</p> <p>14 Do you see that?</p> <p>15 A Yes.</p> <p>16 Q And did you understand from your</p> <p>17 conversation with Mr. Donziger that that so-called</p> <p>18 neutral court-appointed special master was Richard</p> <p>19 Cabrera?</p> <p>20 A I'm sorry, I don't recall discussing this</p> <p>21 particular sentence or the topic in that sentence.</p> <p>22 Q Do you recall any conversation with</p> <p>23 Mr. Donziger in and around this time about the</p> <p>24 neutral court-appointed special master being Richard</p> <p>25 Cabrera?</p>
<p style="text-align: right;">Page 123</p> <p>1 whether or not, or explained to you the reasons for</p> <p>2 providing this essay, among other materials?</p> <p>3 MR. GOMEZ: Objection. Form.</p> <p>4 THE SPECIAL MASTER: It's not great, but</p> <p>5 I'll let it go, so we can leave early enough.</p> <p>6 A I don't recall specifically what he said</p> <p>7 about this article. I mean, it was clear to me from</p> <p>8 Googling Mr. Donziger that there was a public</p> <p>9 relations aspect to his efforts, which, you know, is</p> <p>10 not necessarily a bad thing. And I suspect I</p> <p>11 viewed -- I suspect I viewed this as part of his</p> <p>12 public relations, certainly nothing I could rely</p> <p>13 upon.</p> <p>14 Q (BY MR. BLUME) Do you -- did Mr. Donziger</p> <p>15 tell you whether he wanted you to rely on the facts</p> <p>16 as set forth in this article?</p> <p>17 A Oh, well --</p> <p>18 MR. GOMEZ: Objection. Privilege.</p> <p>19 THE SPECIAL MASTER: Oh, no, overruled.</p> <p>20 A Well, I interpret 4017-A as him telling us</p> <p>21 that.</p> <p>22 Q (BY MR. BLUME) And if I could direct your</p> <p>23 attention to page -- to the Exhibit 2017-B (sic),</p> <p>24 page 2 of 20, which is the article itself?</p> <p>25 A 4017-B.</p>	<p style="text-align: right;">Page 125</p> <p>1 A Yes -- well, I remember -- I remember a</p> <p>2 number of discussions with Mr. Donziger where he</p> <p>3 talked about Cabrera as the court-appointed special</p> <p>4 master.</p> <p>5 I don't recall a specific discussion with</p> <p>6 Mr. Donziger where he talked about Cabrera as the</p> <p>7 court-appointed special master, in the context of</p> <p>8 this sentence.</p> <p>9 Q Okay. And at any point in time, in and</p> <p>10 around --</p> <p>11 THE SPECIAL MASTER: Hold on a second.</p> <p>12 Hold on a second. Mr. Blume, stop.</p> <p>13 I'm adding to the grounds for the</p> <p>14 overruling of the privilege objection a little while</p> <p>15 ago, the crime fraud ground. This is very similar,</p> <p>16 that is the portion that you just read from this</p> <p>17 document that was sent by Mr. Donziger, the cover of</p> <p>18 4017-A, is very similar to the document we looked at</p> <p>19 earlier as to which I said satisfied furtherance of</p> <p>20 the fraud prong of the crime fraud exception.</p> <p>21 So I now add crime fraud exception to the</p> <p>22 reasons for overruling the privilege objection.</p> <p>23 MR. BLUME: Thank you, Your Honor.</p> <p>24 Q (BY MR. BLUME) If I could turn to tab 27,</p> <p>25 please.</p>

32 (Pages 122 - 125)

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400

<p style="text-align: right;">Page 126</p> <p>1 (Exhibits 4018-A and 4018-B marked.)</p> <p>2 Q (BY MR. BLUME) I'm handing you two</p> <p>3 documents, one Bates labeled WOODS-HDD-0213656</p> <p>4 labeled Exhibit 4018-A, and WOODS-HDD-0213657 to 62,</p> <p>5 labeled 4018-B.</p> <p>6 A being an e-mail from Mr. Woods dated</p> <p>7 1 March 2010 to Ericka Englert, copy Steven Donziger.</p> <p>8 Subject, Road map memo.</p> <p>9 And B being a memo from Steven Donziger</p> <p>10 regarding litigation relating to Chevron</p> <p>11 contamination in Ecuador.</p> <p>12 Do you see those?</p> <p>13 A Yes.</p> <p>14 Q And were these e-mails and the attachment</p> <p>15 sent to Ms. Englert, would it be the ordinary course</p> <p>16 of business of the Brownstein firm to maintain these</p> <p>17 e-mails and attachments in its files?</p> <p>18 A Yes.</p> <p>19 Q And was this in fact maintained in the</p> <p>20 ordinary course of business at the Brownstein firm?</p> <p>21 A Yes.</p> <p>22 Q Do you recall reviewing this memo 4018-B</p> <p>23 sent by Mr. Donziger about the litigations related to</p> <p>24 the Chevron contamination in Ecuador?</p> <p>25 A Yes, I do remember reviewing this. As I</p>	<p style="text-align: right;">Page 128</p> <p>1 before for overruling the privilege objection.</p> <p>2 Q (BY MR. BLUME) Do you recall whether or</p> <p>3 not Mr. Donziger --</p> <p>4 THE SPECIAL MASTER: Excuse me, I left</p> <p>5 something out. The reference on the first page of</p> <p>6 that document, again, is to Mr. Cabrera and his</p> <p>7 alleged work to reach the conclusions he reached.</p> <p>8 Go on. I'm sorry, Mr. Blume.</p> <p>9 MR. BLUME: Sure.</p> <p>10 Q (BY MR. BLUME) In and around March 1st,</p> <p>11 2010 when Mr. Woods sent this document on behalf of</p> <p>12 Mr. Donziger, do you recall Mr. Donziger ever telling</p> <p>13 you separately that the Stratus firm ghostwrote</p> <p>14 portions of the special master Cabrera's report as</p> <p>15 referenced in page 1 of the memo?</p> <p>16 MR. GOMEZ: Objection. Asked and</p> <p>17 answered.</p> <p>18 THE SPECIAL MASTER: It was. He's right.</p> <p>19 Objection is sustained.</p> <p>20 MR. BLUME: Tab 20 --</p> <p>21 THE DEPONENT: You're saying on page 1 --</p> <p>22 MR. BLUME: No, he sustained the</p> <p>23 objection.</p> <p>24 THE DEPONENT: Okay.</p> <p>25 MR. BLUME: So you're fine.</p>
<p style="text-align: right;">Page 127</p> <p>1 sit here today, I don't recall much about it, but I</p> <p>2 do recall reviewing it.</p> <p>3 Q And do you recall whether Mr. Donziger --</p> <p>4 do you recall what use Mr. Donziger told you to make</p> <p>5 of this memorandum?</p> <p>6 MR. GOMEZ: Objection. Privilege.</p> <p>7 THE SPECIAL MASTER: Hold on a second.</p> <p>8 Overruled. So far only the waiver.</p> <p>9 A Well, for one if not two purposes. Number</p> <p>10 one, my recollection is that we were going to use</p> <p>11 4018-B for our court filings. And second, I have a</p> <p>12 recollection that I appeared in court once in this</p> <p>13 case.</p> <p>14 I don't remember what it was for, but I</p> <p>15 just -- I thought we appeared in front of Judge Kane.</p> <p>16 And I can remember asking for information from</p> <p>17 Mr. Donziger so I could get prepared for that</p> <p>18 conference.</p> <p>19 THE SPECIAL MASTER: Okay. It's clear</p> <p>20 from the very first page of 4018-B and the witness'</p> <p>21 testimony as to the use that was supposed to be --</p> <p>22 for which this 4018-B was to be put, that it was to</p> <p>23 be used for purposes of court filings or court</p> <p>24 appearances. Therefore, it's furtherance of the</p> <p>25 fraud to that extent, as well as the ground I stated</p>	<p style="text-align: right;">Page 129</p> <p>1 Tab 28, please.</p> <p>2 (Exhibits 4019-A and 4019-B marked.)</p> <p>3 Q (BY MR. BLUME) I'll hand you what has</p> <p>4 been marked as Exhibit 4019-A and 4019-B, which are</p> <p>5 Donziger production 0005448 and 5449.</p> <p>6 4019-A is an e-mail from the next day,</p> <p>7 March 2nd, 2010, in which Ericka Englert writes to</p> <p>8 Steven Donziger and Andrew Woods copying Michael Hoke</p> <p>9 and attaching a fact outline for Chevron briefing.</p> <p>10 Do you see that?</p> <p>11 A Yes.</p> <p>12 Q And do you recall -- do you recall this</p> <p>13 e-mail or the attached outline for fact section of</p> <p>14 brief in opposition to Chevron's 1782 petition?</p> <p>15 A I'm sorry, I would be surprised if I</p> <p>16 didn't see this, but I don't have any recollection as</p> <p>17 we sit here.</p> <p>18 Q Okay. And were e-mails like this and</p> <p>19 outlines for fact sections of brief like the one</p> <p>20 attached in this Exhibit 4019-B, kept in the ordinary</p> <p>21 course of Brownstein's business?</p> <p>22 A Yes.</p> <p>23 Q And was it the ordinary course of the</p> <p>24 business at Brownstein to keep such documents?</p> <p>25 A Yes.</p>

33 (Pages 126 - 129)

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400



<p style="text-align: right;">Page 130</p> <p>1 Q Directing your attention to 4019-B, the 2 outline for the fact section, section b talks about 3 rules governing ex parte contact, okay. 4 Do you see that? 5 A 2 small b? 6 Q Yes. 7 A Yes. 8 Q Was that part of the information that you 9 were expecting to receive from Mr. Donziger? 10 A Yes. 11 Q Did you ever receive that information? 12 A I don't believe so. 13 Q Towards the bottom of Section 2F sub 3, it 14 says, Explain how the standard of cleanup info ended 15 up in Cabrera report. 16 Do you see that? 17 A I'm sorry, I don't. 18 Q 2F sublet 3, very last sentence on the 19 first page? 20 A Got it. 21 Q Do you see that? 22 A Yes. 23 Q Was that explanation one that you expected 24 to receive from Mr. Donziger? 25 A I'm sorry, I don't remember F3.</p>	<p style="text-align: right;">Page 132</p> <p>1 MR. BLUME: The question is -- 2 THE SPECIAL MASTER: It would be good 3 if -- I was about to say something. It would be good 4 if the objections preceded the answer as opposed to 5 following the answer or being uttered at the same 6 time as the answer. I'm not sure how to -- and I'm 7 laughing because I'm not sure how to accomplish that 8 and get us out of here today at a reasonable hour. 9 Okay. 10 Q (BY MR. BLUME) On the question of how -- 11 THE SPECIAL MASTER: So just ignore my 12 remark. 13 Go ahead. 14 Q (BY MR. BLUME) On the question of how the 15 standard of cleanup info ended up in the Cabrera 16 report, did your meeting with Mr. Shinder eventually 17 shed some light as to how that standard ended up in 18 the report? 19 A I don't recall talking -- I don't recall 20 talking to Shinder about the standard of cleanup. My 21 takeaway from Shinder was as referenced in previous 22 exhibits. It was more general. 23 Q Okay. Let me turn to tab 29. And when 24 you say more general, more general in the sense of a 25 more general discussion as you mentioned of Stratus's</p>
<p style="text-align: right;">Page 131</p> <p>1 Q You don't remember that topic? 2 A I just don't remember that topic. 3 Q Okay. Do you recall at any point in time 4 during your representation from January to March 5 receiving an explanation from Mr. Donziger about how 6 the standard of cleanup information ended up in 7 Cabrera's report? 8 A No, I just don't remember the topic. 9 MR. GOMEZ: Objection -- 10 Q (BY MR. BLUME) Okay. Do you recall -- 11 THE SPECIAL MASTER: Over -- the objection 12 is overruled. 13 Q (BY MR. BLUME) Did your conversation 14 with -- ultimately, with Mr. Shinder, shed some light 15 on that topic, as you recall? 16 A The standard -- 17 MR. GOMEZ: Objection. Asked and 18 answered. 19 MR. BLUME: No, I'm sorry. Is there an 20 objection? 21 THE SPECIAL MASTER: Let me hear the 22 answer first. The question -- the objection is 23 overruled on the waiver ground, for sure. It's a 24 form objection. Oh, I thought I heard a privilege 25 objection.</p>	<p style="text-align: right;">Page 133</p> <p>1 role in -- or involvement in the Cabrera report. 2 Is that what you mean? 3 A Yes. 4 Q Okay. 5 MR. BLUME: Your Honor, we actually just 6 have a few more documents to get through. So I 7 appreciate your indulgence. 8 (Exhibits 4020-A and 4020-B marked.) 9 Q (BY MR. BLUME) I'll hand you what's again 10 in two parts, 4020-A and 4020-B, the first of which 11 is an e-mail from Aaron Page to you, Ms. Englert and 12 Mr. Hoke, copying Laura Garr and Steven Donziger, 13 which attaches, purports to attach a memorandum on 14 our current thinking on the matter we have discussed. 15 Do you see that e-mail? 16 A Yes. 17 Q And it attaches a memorandum. Would it 18 be -- did Brownstein and your team keep an e-mail 19 like this and its memorandum in their ordinary course 20 of its business? 21 A Yes. 22 Q And would it be the ordinary course of the 23 Brownstein firm to maintain these in its client 24 files? 25 A Yes.</p>

34 (Pages 130 - 133)

<p style="text-align: right;">Page 134</p> <p>1 Q I think I asked you earlier, but let me 2 ask you if this somehow refreshes your recollection 3 as to who Laura Garr was or Aaron Marr Page? 4 A Those names don't ring a bell with me. 5 Q Let me direct your attention to the 6 subsection B of the exhibit, Bates labeled 7 DONZ 00054732, which is a three-page memorandum 8 addressed to you, Ericka Englert and Michael Hoke. 9 Do you see that? 10 A I'm sorry, what am I looking at? 11 Q It should be that right there. Dated 12 March 9th, 2010. 13 A Right. And I'm sorry, did you direct me 14 to something -- 15 Q I actually direct your attention to it and 16 ask you if you recall receiving and reviewing this 17 memo on Denver section 1782 litigation strategy 18 thoughts? 19 A I have a faint recollection of getting 20 4020-B. 21 Q Okay. 22 A Because I -- and what triggers it is that 23 first paragraph. I remember a communication with 24 these folks after they were either in Ecuador or they 25 had significant communications with people in</p>	<p style="text-align: right;">Page 136</p> <p>1 meet and confer with the Gibson attorneys. 2 And they kept telling us they were going 3 to give us the information, they were going to give 4 us the information. I distinctly recall a point in 5 time where they said, Mr. Donziger said they were 6 going to Ecuador. They were going to gather 7 information there and get back to us. 8 And I believe that 4020-B is a part of 9 that process, a product of that process. 10 Q Let me direct your attention to page 2 of 11 that memo, the third full paragraph beginning, In 12 sum. 13 Do you see that? 14 A Yes. 15 Q If I could ask you just to read that to 16 yourself. 17 A Okay. I've read it. 18 Q It begins, In sum, there are key points 19 regarding the Cabrera report as we now understand it: 20 And then it goes on to list -- 21 THE SPECIAL MASTER: These, these are the 22 key points. 23 MR. BLUME: Thank you, Your Honor. 24 Q (BY MR. BLUME) These are the key points 25 regarding the Cabrera report as we now understand it,</p>
<p style="text-align: right;">Page 135</p> <p>1 Ecuador. Because I know -- I know there was a time 2 where we were waiting that Mr. Donziger, I believe, 3 said he was in Ecuador gathering information, or 4 somebody was in Ecuador gathering information. 5 Q Did Mr. Donziger or someone working with 6 Mr. Donziger tell you why they sent you this 7 litigation strategy thoughts memo? 8 A Well, yes, because we had been -- 9 MR. GOMEZ: Objection. Privilege. 10 THE SPECIAL MASTER: Hold it, what? 11 MR. GOMEZ: Objection. Privilege. 12 THE SPECIAL MASTER: Overruled. And the 13 grounds for the objection are waiver as well as the 14 substance of what was conveyed by the Page e-mail. 15 It clearly meets the furtherance of the crime of 16 fraud prong as well as the fourth prong of the crime 17 fraud exception. 18 Q (BY MR. BLUME) The question was, did 19 Mr. Donziger or someone working with Mr. Donziger 20 tell you why they sent you this litigation strategy 21 thoughts memo? 22 A I don't recall any specific discussion 23 about 4020-B, but they had repeatedly told us -- we 24 had repeatedly told them that we needed information 25 to permit us to make filings with the court and to</p>	<p style="text-align: right;">Page 137</p> <p>1 colon. 2 Number one right away says, or A says, It 3 was based on the evidence submitted at trial by both 4 parties, and, in fact, was based largely on Chevron's 5 evidence since they submitted the vast majority of 6 chemical sampling results. 7 Do you see that? 8 A Yes. 9 Q Is that consistent or inconsistent with 10 what you learned during your conversation on 11 March 19th with Mr. Shinder? 12 A Well, let me answer it, I think it's 13 inconsistent. Whatever Mr. Shinder told us was 14 sufficiently inconsistent with what we had previously 15 been told that I concluded we had an ethical 16 obligation to withdraw from the case. 17 Q And this memorandum that you're holding, 18 Exhibit 201 -- 19 A 4020-B. 20 Q Sorry, sorry. 4020-B. That's part and 21 parcel of the information to which you referred when 22 you said had previously been told; is that correct? 23 A Correct. 24 Q And again, this is -- the information that 25 you had previously been told, is it fair to say that</p>

35 (Pages 134 - 137)



<p style="text-align: right;">Page 138</p> <p>1 virtually all of the substance of the information  2 that you had previously been told came directly from  3 Mr. Donziger or someone working with Mr. Donziger?  4 A Yes.  5 MR. GOMEZ: This is Mr. Gomez. Could we  6 get a reading of the time, please?  7 THE SPECIAL MASTER: Sure.  8 Mr. Videographer, can you please give us a reading of  9 the time?  10 THE VIDEOGRAPHER: Yeah, we've been  11 3 hours 18 minutes on the record. And that's  12 including when he wasn't here.  13 MR. BLUME: Okay. And so we minus  14 15 minutes from that, Your Honor.  15 THE VIDEOGRAPHER: Three hours.  16 THE SPECIAL MASTER: So 3 hours and  17 3 minutes have been used up. You have 27 minutes to  18 go, Mr. Blume.  19 MR. BLUME: I'm right on --  20 THE SPECIAL MASTER: Use them wisely.  21 MR. BLUME: I'm right on schedule, Your  22 Honor.  23 Q (BY MR. BLUME) Do you recall that you  24 actually made a -- or submitted a filing in this  25 case?</p>	<p style="text-align: right;">Page 140</p> <p>1 Frankly, I don't know that I had ever been  2 involved in a 1782 petition. So it, as I recall, it  3 was just a procedure that I was not familiar with.  4 And so I'm certain that we did some legal analysis as  5 to elements, et cetera.  6 I mean, certainly, we relied upon the  7 fact -- we relied upon Mr. Donziger for the facts.  8 We relied upon him to the extent there was any  9 discussion of Ecuadorian law. But I would -- I would  10 doubt that we relied upon Mr. Donziger for any  11 discussion of relevant Tenth Circuit or District of  12 Colorado law.  13 Q Okay. Let's turn to tab 33.  14 (Exhibit 4022-A marked.)  15 Q (BY MR. BLUME) I'll hand you what is  16 marked as 4022-A, which is a cover e-mail dated  17 March 4th, 2010. And the attachment to which, which  18 is labeled 4022-B.  19 (Exhibit 4022-B marked.)  20 Q (BY MR. BLUME) And ask you, this is --  21 the cover e-mail dated 4 March, 2010, Bates numbered  22 DONZ 00031039. It's an e-mail from Mr. Donziger to  23 you, Mr. Hoke and Ms. Englert, subject memo on  24 Chevron matter.  25 Do you recognize -- do you remember</p>
<p style="text-align: right;">Page 139</p> <p>1 A I was afraid you were going to say that.  2 Q Well, let's go to tab 32.  3 A No, I actually don't remember, but I'm not  4 surprised.  5 (Exhibit 4021 marked.)  6 Q (BY MR. BLUME) I'll hand you what's  7 marked as Exhibit 4021, which is a file stamped or  8 docketed Motion for 30 Day Leave to File Brief in  9 Opposition to Chevron's 28 U.S.C. Section 1782  10 Petition in Case Number 1:10-CV-0047-JLK.  11 Do you see that?  12 A Yes.  13 Q And that is -- that is a motion filed on  14 behalf of the Lago Agrio plaintiffs by your firm  15 requesting for an extension to file an opposition to  16 Chevron's petition; is that correct?  17 A Correct.  18 Q And to prepare this motion, did you -- in  19 preparing this motion, did you rely, as you mentioned  20 earlier, on the facts and law that Mr. Donziger had  21 provided you, up until and including March 3rd, 2010  22 when this was filed?  23 A Well, in part, but we would have done --  24 we would have certainly done legal analysis as to --  25 as to the basis for a 1782 petition.</p>	<p style="text-align: right;">Page 141</p> <p>1 receiving this e-mail?  2 A Vaguely. And what triggers -- the reason  3 I say that is that I recall his comment that he wants  4 to make sure I know what we are doing. I just  5 remember, I remember that comment by him.  6 Q And just for the record, to what are you  7 specifically referring?  8 A That's in the first paragraph of 4022-A.  9 Q What is it about that phrase that triggers  10 a memory in your mind?  11 A Well, I just remember getting -- I just  12 remember getting a communication from Mr. Donziger  13 where he says he wanted to make sure that I was in  14 the loop. And I don't -- I don't know why I remember  15 that. I don't know, but I do.  16 Q And this, you referred earlier to  17 Mr. Donziger's trip to Ecuador.  18 Does this refresh your recollection that  19 that trip to Ecuador took place sometime in the  20 beginning of March 2010?  21 A Yes.  22 Q Okay. And was it the ordinary course of  23 business at the Brownstein firm to maintain e-mails  24 such as this and the attached memoranda?  25 A Yes.</p>

36 (Pages 138 - 141)

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400

<p style="text-align: right;">Page 142</p> <p>1 Q And were e-mails such as this and the</p> <p>2 attached memoranda kept in the ordinary course of</p> <p>3 business?</p> <p>4 A Yes.</p> <p>5 Q And was it your understanding that</p> <p>6 Mr. Donziger was sending you this memo on March 4th</p> <p>7 to provide you factual background and information to</p> <p>8 help you oppose Chevron's 1782 petition?</p> <p>9 A Yes.</p> <p>10 Q Do you recall the date of your court</p> <p>11 appearance before Judge Kane?</p> <p>12 A No.</p> <p>13 Q All right. Let me -- tab 34, please.</p> <p>14 (Exhibit 4023 marked.)</p> <p>15 Q (BY MR. BLUME) I'm placing before you</p> <p>16 what is marked as Exhibit 4023. It's an e-mail from</p> <p>17 you to Mr. Donziger, Mr. Hoke and Ms. Englert, dated</p> <p>18 4 March 2010, subject, summary of points for this</p> <p>19 morning's hearing.</p> <p>20 Take -- ask you a moment to just take a</p> <p>21 look at that and tell me if you recognize that as an</p> <p>22 e-mail you sent on that date.</p> <p>23 Do you recall sending that e-mail on</p> <p>24 March 4th, 2010?</p> <p>25 A If I could just have one more minute.</p>	<p style="text-align: right;">Page 144</p> <p>1 A Yes.</p> <p>2 Q And was it the ordinary course of the</p> <p>3 Brownstein firm to keep such an e-mail?</p> <p>4 A Yes.</p> <p>5 MR. BLUME: If I could have tabs 36, 37,</p> <p>6 38 and 39, please.</p> <p>7 (Exhibit 4024 marked.)</p> <p>8 Q (BY MR. BLUME) I'm handing you what is</p> <p>9 marked as Exhibit 4024, which is an e-mail Bates</p> <p>10 labeled BHFS 276 on its cover.</p> <p>11 (Exhibit 4025 marked.)</p> <p>12 Q (BY MR. BLUME) 2025 (sic) is a Bates</p> <p>13 label DONZ 00054304.</p> <p>14 (Exhibit 4026 marked.)</p> <p>15 Q (BY MR. BLUME) 20 -- I'm sorry, 4026 is</p> <p>16 an e-mail chain Bates labeled DONZ 00054324.</p> <p>17 (Exhibit 4027 marked.)</p> <p>18 Q (BY MR. BLUME) Finally, Exhibit 4027 is</p> <p>19 an e-mail Bates labeled DONZ 00054331.</p> <p>20 MR. TREECE: Did I get 4026? Thanks.</p> <p>21 Q (BY MR. BLUME) Just for purposes of</p> <p>22 getting the documents in line, Mr. McDermott, on</p> <p>23 4024, it's an e-mail chain dated 22 February 2010</p> <p>24 from Ericka Englert to Mike Crimmins at Gibson Dunn.</p> <p>25 Do you see that?</p>
<p style="text-align: right;">Page 143</p> <p>1 Q Oh, I'm sorry.</p> <p>2 A I'm almost finished reading it. My</p> <p>3 apologies. I do remember.</p> <p>4 Q And does this refresh your recollection</p> <p>5 that you appeared before Judge Kane on</p> <p>6 March 4th, 2010?</p> <p>7 A Yes.</p> <p>8 Q Directing your attention to the very last</p> <p>9 bullet point where you note in all bold, quote, I</p> <p>10 must rely upon Andrew and Steven to confirm the</p> <p>11 accuracy of these statements. If I make them and</p> <p>12 then Judge Kane later concludes they are wrong, he</p> <p>13 will be one pissed off federal judge.</p> <p>14 Do you recall why you wrote that?</p> <p>15 MR. GOMEZ: Objection. Work product.</p> <p>16 THE SPECIAL MASTER: Waived. Overruled.</p> <p>17 A Well, as to the first sentence, I was</p> <p>18 having to rely upon Andrew and Steven because we</p> <p>19 didn't have an independent source for the facts I was</p> <p>20 proposing to represent to Judge Kane. And I made the</p> <p>21 second comment because Judge Kane, like every other</p> <p>22 judge, wants people to be honest with him.</p> <p>23 Q (BY MR. BLUME) Was this e-mail kept in</p> <p>24 the ordinary course of business of the Brownstein</p> <p>25 firm?</p>	<p style="text-align: right;">Page 145</p> <p>1 A The top e-mail on 4024?</p> <p>2 Q Yes.</p> <p>3 A Yes.</p> <p>4 Q And do you recognize these as being part</p> <p>5 of the meet and confer process you referred to</p> <p>6 earlier?</p> <p>7 A Yes.</p> <p>8 Q And was it the ordinary course of business</p> <p>9 of the Brownstein firm to maintain e-mails such as</p> <p>10 this in the ordinary course of its business?</p> <p>11 A Yes.</p> <p>12 Q And was it the ordinary course of its</p> <p>13 business to maintain these e-mails?</p> <p>14 A Yes.</p> <p>15 Q I didn't ask that right. My first</p> <p>16 question was, was this e-mail maintained in the</p> <p>17 ordinary course of business of Brownstein Hyatt?</p> <p>18 A Yes.</p> <p>19 Q And it was the ordinary course to keep</p> <p>20 such documents?</p> <p>21 A Yes.</p> <p>22 Q 2025 (sic), which is --</p> <p>23 A 4025.</p> <p>24 Q I'm sorry. 4025, which is an e-mail</p> <p>25 exchange from Ericka Englert to Steven Donziger dated</p>

37 (Pages 142 - 145)

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400

<p style="text-align: right;">Page 146</p> <p>1 the same day, February 22nd.  2 Do you see that?  3 A Yes.  4 Q And it seems that Ms. Englert is  5 forwarding to Mr. Donziger the e-mail from  6 Mr. Crimmins.  7 Do you see that?  8 A Yes.  9 Q And was this e-mail kept in the ordinary  10 course of Brownstein's business?  11 A Yes.  12 Q And was it the ordinary course of business  13 for the Brownstein firm to maintain these e-mails?  14 A Yes.  15 Q She references in the third sentence, As  16 soon as you get a chance, will you let me know the  17 background of these documents?  18 Was it consistent with the practice of  19 your team to check with Mr. Donziger on facts such as  20 this, background of documents and the like?  21 A Yes.  22 Q Direct your attention to 4026, which is  23 another e-mail of the same date from Ericka Englert  24 to Steven Donziger.  25 Do you see that?</p>	<p style="text-align: right;">Page 148</p> <p>1 MR. GOMEZ: Objection. Form.  2 THE SPECIAL MASTER: I think I agree. The  3 form is bad. Rephrase.  4 Q (BY MR. BLUME) Do you recall whether --  5 Do you see that Ms. Englert asked whether  6 there -- whether we have a good explanation as to how  7 this happened.  8 Do you understand that this happened,  9 being sections of the Stratus report is very similar  10 to Cabrera's?  11 A Yes.  12 Q And do you recall whether --  13 MR. GOMEZ: Objection. Form.  14 THE SPECIAL MASTER: What was the nature  15 of the objection?  16 MR. GOMEZ: Form.  17 THE SPECIAL MASTER: And I just said  18 overruled.  19 Q (BY MR. BLUME) And do you recall  20 specifically whether Mr. Donziger ever explained to  21 you or anyone on your team why sections of Stratus's  22 report are similar to Cabrera's?  23 MR. GOMEZ: Objection. Privilege.  24 THE SPECIAL MASTER: Overruled.  25 A Yes, I do recall.</p>
<p style="text-align: right;">Page 147</p> <p>1 A Yes.  2 Q Was this an e-mail that was kept in the  3 ordinary course of the Brownstein firm's business?  4 A Yes.  5 Q Was it the ordinary course of business to  6 maintain such a document?  7 A Yes.  8 Q Ms. Englert notes -- references  9 Mr. Crimmins's discussion of Stratus's reports as  10 being similar to Mr. Cabrera's. And in the third  11 sentence says, Do we have a good explanation as to  12 how this happened or is it our position that the  13 sections are not actually that similar or that  14 Stratus's report takes sections from Cabrera's  15 report?  16 Do you see that?  17 A Yes.  18 Q Do you know whether or not you or your  19 team ever got an answer to any of those questions?  20 A I don't recall. I don't recall. I don't  21 recall getting an answer, but --  22 Q Let me be more specific. Do you recall  23 whether Mr. Donziger provided to you a good  24 explanation as to how this happened? That is, why  25 the Stratus report is very similar to Cabrera's?</p>	<p style="text-align: right;">Page 149</p> <p>1 Q (BY MR. BLUME) What do you recall?  2 A Well, I recall two things. Number one, I  3 recall that when they got back from -- when  4 Mr. Donziger and maybe others got back from Ecuador,  5 they provided us an explanation in that memorandum  6 that we talked about a bit earlier.  7 And the second thing I recall is that when  8 Mr. Donziger talked about this issue, he talked about  9 it in a way that conveyed to us that it was proper  10 under Ecuadorian law.  11 And so whatever he told us was contrary to  12 what Mr. Shinder told us, which in part is why we  13 withdrew.  14 THE SPECIAL MASTER: I'm adding to the  15 overruling, the grounds for overruling the objection,  16 crime fraud exception. Communications from  17 Mr. Donziger to this witness that he just described  18 meet the furtherance of the fraud prong of the crime  19 fraud exception.  20 Q (BY MR. BLUME) Finally, 4027 before you  21 is an e-mail from Ericka Englert to Steven Donziger,  22 dated 22 February 2010, copying you and Mr. Hoke.  23 The first portion of which is a -- well,  24 do you recognize this e-mail?  25 A I do not recall this -- I do not recall</p>

38 (Pages 146 - 149)

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400

<p style="text-align: right;">Page 150</p> <p>1 4027.</p> <p>2 Q Okay. Being that it's an e-mail from</p> <p>3 Ms. Englert, was an e-mail such as this kept in the</p> <p>4 ordinary course of business at the Brownstein firm?</p> <p>5 A Assuming 4027 came from our files, yes.</p> <p>6 Q Well, the production came from</p> <p>7 Mr. Donziger's file, DONZ 000 54321. Would it be --</p> <p>8 would e-mails similar to this be kept in the ordinary</p> <p>9 course of Brownstein's business, as it related to</p> <p>10 client matters?</p> <p>11 A Yes. And I don't have any reason to</p> <p>12 believe these aren't e-mails from and to our firm.</p> <p>13 Q Okay. And it was the ordinary course of</p> <p>14 the Brownstein firm to keep such e-mails?</p> <p>15 A Yes.</p> <p>16 Q Do you recall --</p> <p>17 THE SPECIAL MASTER: Five-minute warning,</p> <p>18 Mr. Blume.</p> <p>19 MR. BLUME: I'm sorry?</p> <p>20 THE SPECIAL MASTER: Five-minute warning.</p> <p>21 MR. BLUME: Perfect. Thank you, Your</p> <p>22 Honor.</p> <p>23 Q (BY MR. BLUME) This e-mail suggests or</p> <p>24 Mr. Donziger writes to Ms. Englert below and signs</p> <p>25 her name. Was it -- were you surprised to learn when</p>	<p style="text-align: right;">Page 152</p> <p>1 Q (BY MR. BLUME) This is Mr. Treece on</p> <p>2 22 June 2010. It's forwarding to you an e-mail that</p> <p>3 he sent to Jay Horowitz. And this is production</p> <p>4 BHFS 126 through BHFS 142.</p> <p>5 Do you see that?</p> <p>6 A Yes.</p> <p>7 Q And is this a document that was prepared</p> <p>8 in the ordinary course of the Brownstein firm's</p> <p>9 business?</p> <p>10 A Yes.</p> <p>11 Q And was it the ordinary course of the</p> <p>12 Brownstein firm to maintain this document?</p> <p>13 A Yes.</p> <p>14 Q And is the time frame of June 2010</p> <p>15 consistent with what you'd mentioned earlier, around</p> <p>16 the time when there was a dispute about your fees in</p> <p>17 this matter?</p> <p>18 A Well, it was a dispute from Mr. Donziger's</p> <p>19 perspective. We didn't consider it a dispute.</p> <p>20 Q And Mr. Treece suggests in his e-mail</p> <p>21 below that he's being asked about the work product.</p> <p>22 And do you understand this e-mail to</p> <p>23 submit to Mr. Horowitz some of that work product?</p> <p>24 A Yes.</p> <p>25 THE SPECIAL MASTER: Two-minute warning.</p>
<p style="text-align: right;">Page 151</p> <p>1 you saw this e-mail that Mr. Donziger had drafted an</p> <p>2 e-mail for Ericka to send during the meet and confer</p> <p>3 process?</p> <p>4 A No, because my understanding is that</p> <p>5 Mr. Donziger proposed this e-mail as one that Ericka</p> <p>6 send (sic) to Mr. Crimmins, I believe, if that's the</p> <p>7 name of your partner.</p> <p>8 So, no, it didn't surprise me.</p> <p>9 Q Okay. Was that consistent with your</p> <p>10 relationship that you would take instruction to this</p> <p>11 detail from Mr. Donziger?</p> <p>12 A No. I mean, I typically would not -- I</p> <p>13 don't know whether we asked him to do this or not.</p> <p>14 But that's not my practice.</p> <p>15 Q In this instance was -- well, strike that.</p> <p>16 (Exhibit 4028 marked.)</p> <p>17 Q (BY MR. BLUME) Let me place before you</p> <p>18 what is marked as 4028. 4028 is a package of</p> <p>19 attachments in a cover e-mail from Lawrence Treece,</p> <p>20 the top part of which is Mr. Treece sending to</p> <p>21 Mr. Beyer, to you, to Ms. Englert --</p> <p>22 THE SPECIAL MASTER: We don't have the</p> <p>23 document. What are you talking about?</p> <p>24 MR. BLUME: My apologies, Your Honor.</p> <p>25 tab 56. Sorry.</p>	<p style="text-align: right;">Page 153</p> <p>1 (Exhibit 4029 marked.)</p> <p>2 Q (BY MR. BLUME) And then let me place</p> <p>3 before you what is marked as 4029. That's tab 57.</p> <p>4 And that's a letter from the Brownstein firm to Jay</p> <p>5 Horowitz, dated 29 June.</p> <p>6 Do you see that?</p> <p>7 A Yes.</p> <p>8 Q And is this a record that was kept in the</p> <p>9 ordinary course of business of the Brownstein firm?</p> <p>10 A Yes.</p> <p>11 Q And one that the Brownstein firm keeps in</p> <p>12 its ordinary course?</p> <p>13 A Yes.</p> <p>14 Q And this is Mr. Treece discussing this fee</p> <p>15 dispute that you mentioned?</p> <p>16 A Yes.</p> <p>17 Q Okay. And then one more, Mr. McDermott.</p> <p>18 (Exhibit 4030 marked.)</p> <p>19 Q (BY MR. BLUME) 4030, and that's tab 53.</p> <p>20 And this is an e-mail from you, sir, on</p> <p>21 March 19th, 2010 to Michael Hoke, copy Ericka</p> <p>22 Englert. And a series of e-mails below Bates labeled</p> <p>23 BHFS 179 to 180.</p> <p>24 Do you see these?</p> <p>25 A Yes.</p>

39 (Pages 150 - 153)

<p style="text-align: right;">Page 154</p> <p>1 Q Do you remember or recollect this e-mail?</p> <p>2 A Yes.</p> <p>3 Q What do you remember about it?</p> <p>4 A Well, I just remember that, you know,</p> <p>5 Michael was corresponding --</p> <p>6 THE SPECIAL MASTER: Are you going to make</p> <p>7 it a business record path, because your time is going</p> <p>8 to run.</p> <p>9 Q (BY MR. BLUME) Was this e-mail kept in</p> <p>10 the ordinary course of the business of the Brownstein</p> <p>11 firm?</p> <p>12 A Yes.</p> <p>13 Q And was it the ordinary course of business</p> <p>14 to maintain such an e-mail record?</p> <p>15 A Yes.</p> <p>16 Q And if you could tell us briefly what do</p> <p>17 you recall about the conversation you were having</p> <p>18 with your team on March 19th, 2010?</p> <p>19 A Well, I just recall that there were</p> <p>20 additional discussions with the Gibson Dunn lawyers</p> <p>21 during the meet and confer process.</p> <p>22 Q Okay.</p> <p>23 THE SPECIAL MASTER: Your time is up,</p> <p>24 Mr. Blume.</p> <p>25 MR. BLUME: That's all I have.</p>	<p style="text-align: right;">Page 156</p> <p>1 MR. GOMEZ: Yes.</p> <p>2 A All that I recall receiving is what we</p> <p>3 reviewed today. There were one or two items. There</p> <p>4 was the provision of Ecuadorian law. I don't recall</p> <p>5 what that dealt with specifically. And then I</p> <p>6 believe there was the memo that Mr. Donziger sent</p> <p>7 upon his return from Ecuador, where I thought he</p> <p>8 generally described some Ecuadorian law principles or</p> <p>9 said he was going to follow up.</p> <p>10 Q (BY MR. GOMEZ) Did you ever feel that you</p> <p>11 received sufficient information, that that was</p> <p>12 sufficient information for you to make an assessment</p> <p>13 regarding Ecuadorian law as it pertained to Cabrera?</p> <p>14 MR. BLUME: Objection. Form.</p> <p>15 A I never felt I had any information that</p> <p>16 would permit me to make any judgments about</p> <p>17 Ecuadorian law, as I recall.</p> <p>18 Q (BY MR. GOMEZ) Is it fair to say that you</p> <p>19 received inconsistent information regarding Stratus's</p> <p>20 contact with Cabrera?</p> <p>21 A Yes.</p> <p>22 Q And finally, is it fair to say that you</p> <p>23 never had sufficient information either regarding the</p> <p>24 Ecuadorian law or Stratus's contact to make your own</p> <p>25 assessment whether the conduct in Ecuador was proper</p>
<p style="text-align: right;">Page 155</p> <p>1 THE SPECIAL MASTER: Mr. Blume, your time</p> <p>2 is up.</p> <p>3 MR. BLUME: That's all I have, Your Honor.</p> <p>4 THE SPECIAL MASTER: Okay. Thank you,</p> <p>5 everyone. Thank you, Mr. McDermott, thank you,</p> <p>6 Mr. Gomez.</p> <p>7 MR. GOMEZ: Excuse me, Mr. Gitter, this is</p> <p>8 Mr. Gomez. May I ask three questions?</p> <p>9 THE SPECIAL MASTER: Of course.</p> <p>10 EXAMINATION</p> <p>11 BY MR. GOMEZ:</p> <p>12 Q Good afternoon, Mr. McDermott.</p> <p>13 A Good afternoon.</p> <p>14 Q Mr. McDermott, is it fair to say that you</p> <p>15 and your law firm received little or no information</p> <p>16 regarding Ecuadorian law as it pertains to the</p> <p>17 contact with Mr. Cabrera in the Lago Agrio</p> <p>18 litigation?</p> <p>19 MR. BLUME: Objection. Form.</p> <p>20 A The only thing that --</p> <p>21 THE SPECIAL MASTER: Overruled. You can</p> <p>22 answer it.</p> <p>23 THE DEONENT: I'm sorry, Your Honor.</p> <p>24 THE SPECIAL MASTER: The question is</p> <p>25 unclear. Received in any fashion, Mr. Gomez?</p>	<p style="text-align: right;">Page 157</p> <p>1 or not?</p> <p>2 MR. BLUME: Objection. Form.</p> <p>3 THE SPECIAL MASTER: Is there an</p> <p>4 objection? Mr. Blume, what is the nature of your</p> <p>5 objection?</p> <p>6 MR. BLUME: Just the form of the question.</p> <p>7 THE SPECIAL MASTER: Hold on a second.</p> <p>8 Let's see. Hold on.</p> <p>9 MR. BLUME: Compound, Your Honor.</p> <p>10 THE SPECIAL MASTER: I'm looking at the</p> <p>11 LiveNote. Yes, it's compound.</p> <p>12 Rephrase.</p> <p>13 Q (BY MR. GOMEZ) Mr. McDermott, is it fair</p> <p>14 to say that you never received sufficient information</p> <p>15 regarding Ecuadorian law in order to make your own</p> <p>16 assessment, your own independent assessment whether</p> <p>17 the actions relating to Cabrera were proper?</p> <p>18 MR. BLUME: Objection. Form.</p> <p>19 THE SPECIAL MASTER: I'll allow it. I'll</p> <p>20 allow it.</p> <p>21 A If I understand your question, it's do I</p> <p>22 have -- did I ever get sufficient information about</p> <p>23 Ecuadorian law to know whether there was misconduct</p> <p>24 under Ecuadorian law regarding Stratus and Cabrera.</p> <p>25 Q (BY MR. GOMEZ) Yes.</p>

40 (Pages 154 - 157)

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400



Page 158	Page 160																																																																																																							
<p>1 A Is that the question?</p> <p>2 Q Yes.</p> <p>3 A Well, I think the answer is -- I mean, I</p> <p>4 can't cite any Ecuadorian statute or case law as a</p> <p>5 basis for saying it was right or wrong. You know --</p> <p>6 MR. GOMEZ: Thank you, Mr. McDermott.</p> <p>7 THE SPECIAL MASTER: Wait a minute. He's</p> <p>8 in the middle of his answer, Mr. Gomez.</p> <p>9 MR. GOMEZ: I'm sorry.</p> <p>10 Q (BY MR. GOMEZ) Please finish.</p> <p>11 A I can only say that based upon what was</p> <p>12 then 28 years of experience, things appeared very</p> <p>13 fishy to me. I don't know that I've -- I don't know</p> <p>14 how many cases I've withdrawn from for ethical</p> <p>15 reasons.</p> <p>16 I can probably count them on two or three</p> <p>17 fingers. So it's not a decision that I made lightly.</p> <p>18 But I was deeply troubled.</p> <p>19 THE SPECIAL MASTER: Thank you,</p> <p>20 Mr. McDermott. Thank you, Mr. Gomez. The deposition</p> <p>21 is now concluded.</p> <p>22 THE VIDEOGRAPHER: We're off the record at</p> <p>23 2:09.</p> <p>24 (Proceedings concluded at 2:09 p.m.)</p> <p>25 *****</p>	<p>1 STATE OF COLORADO)</p> <p>2 ) ss. REPORTER'S CERTIFICATE</p> <p>3 COUNTY OF DENVER )</p> <p>4 I, Kelly A. Mackereth, do hereby certify</p> <p>5 that I am a Registered Professional Reporter and</p> <p>6 Notary Public within the State of Colorado; that</p> <p>7 previous to the commencement of the examination, the</p> <p>8 deponent was duly sworn to testify to the truth.</p> <p>9 I further certify that this deposition was</p> <p>10 taken in shorthand by me at the time and place herein</p> <p>11 set forth, that it was thereafter reduced to</p> <p>12 typewritten form, and that the foregoing constitutes</p> <p>13 a true and correct transcript.</p> <p>14 I further certify that I am not related to,</p> <p>15 employed by, nor of counsel for any of the parties or</p> <p>16 attorneys herein, nor otherwise interested in the</p> <p>17 result of the within action.</p> <p>18 In witness whereof, I have affixed my</p> <p>19 signature this 22nd day of May, 2013.</p> <p>20 My commission expires April 21, 2015.</p> <p>21</p> <p>22</p> <p>23 Kelly A. Mackereth, CRR, RPR, CLT</p> <p>24 216 - 16th Street, Suite 600</p> <p>25 Denver, Colorado 80202</p>																																																																																																							
<p style="text-align: right;">Page 159</p> <p>1 ACKNOWLEDGMENT OF DEPONENT</p> <p>2 I, JOHN McDERMOTT, do hereby certify</p> <p>3 that I have read the foregoing transcript of my</p> <p>4 testimony, and further certify that it is a true</p> <p>5 and accurate record of my testimony (with the</p> <p>6 exception of the corrections listed below):</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;">Page</th> <th style="width: 15%;">Line</th> <th style="width: 70%;">Correction</th> </tr> </thead> <tbody> <tr><td>8</td><td></td><td></td></tr> <tr><td>9</td><td></td><td></td></tr> <tr><td>10</td><td></td><td></td></tr> <tr><td>11</td><td></td><td></td></tr> <tr><td>12</td><td></td><td></td></tr> <tr><td>13</td><td></td><td></td></tr> <tr><td>14</td><td></td><td></td></tr> <tr><td>15</td><td></td><td></td></tr> <tr><td>16</td><td></td><td></td></tr> <tr><td>17</td><td></td><td></td></tr> <tr><td>18</td><td></td><td></td></tr> <tr><td>19</td><td></td><td></td></tr> <tr><td>20</td><td></td><td></td></tr> <tr><td>21</td><td></td><td></td></tr> </tbody> </table> <p>22</p> <p style="text-align: center;">JOHN McDERMOTT</p> <p>23 SUBSCRIBED AND SWORN TO BEFORE ME</p> <p>24 THIS ____ DAY OF _____, 20__.</p> <p>25 (NOTARY PUBLIC) MY COMMISSION EXPIRES:</p>	Page	Line	Correction	8			9			10			11			12			13			14			15			16			17			18			19			20			21			<p style="text-align: right;">Page 161</p> <p>1 INDEX</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;">EXAMINATION</th> <th style="width: 40%;">PAGE</th> </tr> </thead> <tbody> <tr><td>2 MR. BLUME</td><td>7</td></tr> <tr><td>3 MR. GOMEZ</td><td>155</td></tr> <tr><td>4 PRODUCTION REQUEST(S):</td><td></td></tr> <tr><td>5</td><td></td></tr> <tr><td>6</td><td>72</td></tr> <tr><td>7</td><td></td></tr> <tr><td>8 INDEX OF EXHIBITS</td><td></td></tr> <tr><td>9</td><td></td></tr> <tr> <td style="text-align: center;">INITIAL</td> <td style="text-align: center;">REFERENCE</td> </tr> <tr> <td>10 DESCRIPTION</td> <td></td> </tr> <tr><td>11</td><td></td></tr> <tr><td>12 Exhibit 4000 Brownstein Hyatt Farber</td><td>20</td></tr> <tr><td>13 Schreck, LLP billing</td><td></td></tr> <tr><td>14 Exhibit 4001 2/26/10 letter to Dozinger</td><td>24</td></tr> <tr><td>15 from McDermott</td><td></td></tr> <tr><td>16 Exhibit 4002 6/18/10 e-mail from Horowitz</td><td>27</td></tr> <tr><td>17 to Treece</td><td></td></tr> <tr><td>18 Exhibit 4003A E-mail string between</td><td>34</td></tr> <tr><td>19 McDermott and Donziger</td><td></td></tr> <tr><td>20 Exhibit 4003B Yaiguaje, et al. V. Chevron</td><td>34</td></tr> <tr><td>21 Complaint to Stay</td><td></td></tr> <tr><td>22 Arbitration</td><td></td></tr> <tr><td>23 Exhibit 4004A 1/19/10 e-mail from Woods to</td><td>54</td></tr> <tr><td>24 McDermott</td><td></td></tr> <tr><td>25 Exhibit 4004B Chevron 28U.S.C. 1782</td><td>54</td></tr> <tr><td>Petition</td><td></td></tr> <tr><td>Exhibit 4005 E-mail string between</td><td>61</td></tr> <tr><td>McDermott and Donziger</td><td></td></tr> </tbody> </table>	EXAMINATION	PAGE	2 MR. BLUME	7	3 MR. GOMEZ	155	4 PRODUCTION REQUEST(S):		5		6	72	7		8 INDEX OF EXHIBITS		9		INITIAL	REFERENCE	10 DESCRIPTION		11		12 Exhibit 4000 Brownstein Hyatt Farber	20	13 Schreck, LLP billing		14 Exhibit 4001 2/26/10 letter to Dozinger	24	15 from McDermott		16 Exhibit 4002 6/18/10 e-mail from Horowitz	27	17 to Treece		18 Exhibit 4003A E-mail string between	34	19 McDermott and Donziger		20 Exhibit 4003B Yaiguaje, et al. V. Chevron	34	21 Complaint to Stay		22 Arbitration		23 Exhibit 4004A 1/19/10 e-mail from Woods to	54	24 McDermott		25 Exhibit 4004B Chevron 28U.S.C. 1782	54	Petition		Exhibit 4005 E-mail string between	61	McDermott and Donziger	
Page	Line	Correction																																																																																																						
8																																																																																																								
9																																																																																																								
10																																																																																																								
11																																																																																																								
12																																																																																																								
13																																																																																																								
14																																																																																																								
15																																																																																																								
16																																																																																																								
17																																																																																																								
18																																																																																																								
19																																																																																																								
20																																																																																																								
21																																																																																																								
EXAMINATION	PAGE																																																																																																							
2 MR. BLUME	7																																																																																																							
3 MR. GOMEZ	155																																																																																																							
4 PRODUCTION REQUEST(S):																																																																																																								
5																																																																																																								
6	72																																																																																																							
7																																																																																																								
8 INDEX OF EXHIBITS																																																																																																								
9																																																																																																								
INITIAL	REFERENCE																																																																																																							
10 DESCRIPTION																																																																																																								
11																																																																																																								
12 Exhibit 4000 Brownstein Hyatt Farber	20																																																																																																							
13 Schreck, LLP billing																																																																																																								
14 Exhibit 4001 2/26/10 letter to Dozinger	24																																																																																																							
15 from McDermott																																																																																																								
16 Exhibit 4002 6/18/10 e-mail from Horowitz	27																																																																																																							
17 to Treece																																																																																																								
18 Exhibit 4003A E-mail string between	34																																																																																																							
19 McDermott and Donziger																																																																																																								
20 Exhibit 4003B Yaiguaje, et al. V. Chevron	34																																																																																																							
21 Complaint to Stay																																																																																																								
22 Arbitration																																																																																																								
23 Exhibit 4004A 1/19/10 e-mail from Woods to	54																																																																																																							
24 McDermott																																																																																																								
25 Exhibit 4004B Chevron 28U.S.C. 1782	54																																																																																																							
Petition																																																																																																								
Exhibit 4005 E-mail string between	61																																																																																																							
McDermott and Donziger																																																																																																								

41 (Pages 158 - 161)

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400

Page 162			Page 164		
1			1		
2	DESCRIPTION	INITIAL REFERENCE	2	DESCRIPTION	INITIAL REFERENCE
3	Exhibit 4006 E-mail string re Motion for	65	3	Exhibit 4026 E-mail string re Attached	144
4	Leave to File Brief in		4	letter re Chevron Petition	
5	Opposition		5	Exhibit 4027 E-mail string re how does	144
6	Exhibit 4007 E-mail string re Chevron v	68		the below sound to you...	
7	Stratus: Issues to discuss		6	Exhibit 4028 E-mail string re Chevron	151
8	with Mr. Bloom		7	Works Product	
9	Exhibit 4008 Handwritten notes	69	8	Exhibit 4029 6/29/10 letter to Horowitz	153
10	Exhibit 4009 3/23/10 e-mail from	73		from Treece	
11	McDermott to Donziger		9	Exhibit 4030 E-mail string re Chevron	153
12	Exhibit 4010 Handwritten notes dated	87	10		
13	3/19/2010		11	PREVIOUSLY MARKED EXHIBITS	
14	Exhibit 4011 Handwritten notes dated	95	12		
15	3/19/10		13	Exhibit 1633 5/24/10 e-mail from McDermott	80
16	Exhibit 4012 2/4/10 e-mail from Donziger	107		to Donziger, w/attachment	
17	to File		14		
18	Exhibit 4013 Handwritten notes dated	108	15		
19	2/24/10		16		
20	Exhibit 4014 E-mail string re Nueva	112	17		
21	Prueba		18		
22	Exhibit 4015 2/22/10 e-mail from Donziger	112	19		
23	to Englert, McDermott, and		20		
24	Hoke		21		
25	Exhibit 4016 2/26/10 Memorandum to	115	22		
	Donziger from Hoke		23		
	Exhibit 4017A 2/20/10 e-mail from Donziger	121	24		
	to Englert, McDermott and		25		
	Hoke				
	Exhibit 4017B Donziger, Garr & Page	121			
	article titled Rainforest				
	Chemobyl Revisited				
Page 163					
1					
2	DESCRIPTION	INITIAL REFERENCE			
3	Exhibit 4018A 3/1/10 e-mail from Woods to	126			
4	Englert				
5	Exhibit 4018B Donziger memo re Chevron	126			
6	contamination in Ecuador				
7	Exhibit 4019A 3/2/10 e-mail from Englert	129			
8	to Donziger and Woods				
9	Exhibit 4019B Outline for Fact Section of	129			
10	Brief in Opposition to				
11	Chevron's 1782 Petition				
12	Exhibit 4020A 3/9/10 e-mail from Page to	133			
13	McDermott, Englert and Hoke				
14	Exhibit 4020B 3/9/10 e-mail to McDermott,	133			
15	Englert and Hoke from Page,				
16	Donziger and Garr				
17	Exhibit 4021 Motion for 30-Day Leave to	139			
18	File Brief In Opposition to				
19	Chevron's 28 U.S.C. 1782				
20	Petition				
21	Exhibit 4022A 3/4/10 e-mail from Donziger	140			
22	to Englert, McDermott, and				
23	Hoke				
24	Exhibit 4022B 3/4/10 e-mail to McDermott,	140			
25	Englert and Hoke from				
	Donziger				
	Exhibit 4023 3/4/10 e-mail from McDermott	142			
	to Donziger, Hoke, and				
	Englert				
	Exhibit 4024 E-mail string re Attached	144			
	letter re Chevron Petition				
	Exhibit 4025 E-mail string re Attached	144			
	letter re Chevron Petition				

42 (Pages 162 - 164)

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400

[&amp; - 28u.s.c.]

Page 1

<b>&amp;</b>	<b>112</b> 162:16,17	<b>18th</b> 22:12 89:4	98:10 99:20 106:20
<b>&amp;</b> 2:2,9 4:7,21 7:25	<b>114910</b> 113:10	103:14 106:20	107:1,16,18,22
31:8 67:20 68:24	<b>115</b> 162:19	<b>19</b> 34:10,18 103:17	108:18 109:1,23
70:4,15,24 71:9	<b>11:55</b> 78:22,23	103:18 112:1	111:5 112:6 115:9
81:24 84:17 115:8	<b>121</b> 162:21,23	<b>1981</b> 8:24	119:5,7,25 121:24
162:23	<b>126</b> 152:4 163:3,5	<b>19th</b> 21:9 22:13	122:3 126:7 128:11
<b>0</b>	<b>129</b> 163:6,8	35:10 55:8 89:2	129:7 134:12
<b>000</b> 150:7	<b>12:08</b> 78:23 79:1	97:5,8 98:10,19	139:21 140:17,21
<b>00019558</b> 124:3	<b>13</b> 9:10	99:20 106:1,5,20	141:20 142:18,24
<b>00031039</b> 140:22	<b>133</b> 163:10,11	137:11 153:21	143:6 144:23
<b>00053751</b> 68:5	<b>139</b> 163:13	154:18	149:22 152:2,14
<b>00053758</b> 112:5	<b>13920.1</b> 96:10	<b>1:10</b> 139:10	153:21 154:18
<b>00054304</b> 144:13	<b>14</b> 9:10 34:14 37:12	<b>1st</b> 128:10	<b>2013</b> 1:5,15 4:5
<b>00054324</b> 144:16	53:6 107:10	<b>2</b>	160:19
<b>00054331</b> 144:19	<b>140</b> 163:16,18	<b>2</b> 20:12 61:22 65:14	<b>2015</b> 160:20
<b>00054374</b> 25:8	<b>142</b> 152:4 163:20	65:15 116:9 117:10	<b>2017</b> 123:23
29:13	<b>144</b> 163:22,23 164:3	123:24 124:3,4	<b>2025</b> 144:12 145:22
<b>0005448</b> 129:5	164:5	130:5 136:10	<b>20th</b> 122:3
<b>00054732</b> 134:7	<b>15</b> 103:13 138:14	<b>2/20/10</b> 162:21	<b>21</b> 1:5,15 73:6,11
<b>00056917</b> 82:3	<b>151</b> 164:6	<b>2/22/10</b> 162:17	79:5 160:20
<b>00057507</b> 27:14	<b>153</b> 164:8,9	<b>2/24/10</b> 162:15	<b>216</b> 160:23
<b>0007981</b> 107:14	<b>155</b> 161:4	<b>2/26/10</b> 161:13	<b>21st</b> 4:5 78:8
<b>0047</b> 139:10	<b>16</b> 61:8,17 91:14	162:19	<b>22</b> 34:5,5,6 37:12
<b>0213656</b> 126:3	<b>1633</b> 80:18 81:5,13	<b>2/4/10</b> 162:13	113:9 144:23
<b>0213657</b> 126:4	82:1,2 164:13	<b>20</b> 11:4 115:3	149:22 152:2
<b>0216302</b> 54:15	<b>16th</b> 160:23	121:24 123:24	<b>2200</b> 2:22
<b>0216303</b> 54:16	<b>17</b> 5:18 61:5 100:13	124:3,4 128:20	<b>22nd</b> 146:1 160:19
<b>0691</b> 1:3	101:7 108:9 122:17	144:15 159:23	<b>23</b> 69:14
<b>07090</b> 2:16	<b>1782</b> 31:23,23 32:13	161:11	<b>24</b> 80:24 82:14
<b>1</b>	33:12 39:6,22 40:5	<b>200</b> 2:2	109:1 161:13
<b>1</b> 25:7 102:12,17	48:13 53:16 55:13	<b>2004</b> 55:22	<b>24th</b> 21:9 108:14,18
126:7 128:15,21	58:6,14 60:5 63:11	<b>201</b> 137:18	<b>25</b> 83:1,1 121:16
<b>1,400</b> 124:9	69:7 70:11 73:20	<b>2010</b> 9:17 10:4	<b>26</b> 24:17 115:9
<b>1/19/10</b> 161:19	74:1 113:25 114:7	14:14 15:6,15 17:4	119:4,25 121:8
<b>100</b> 67:24	118:3 129:14	17:5 19:7 20:4 21:9	<b>27</b> 68:7,20 69:5,9
<b>10166</b> 2:3	134:17 139:9,25	21:9 22:13 23:7	107:17 125:24
<b>107</b> 162:13	140:2 142:8 161:21	24:2,18 25:10 27:5	138:17 161:14
<b>108</b> 162:14	163:9,14	27:17 31:14 34:10	<b>27.3</b> 124:12
<b>10:05</b> 1:16 4:4	<b>179</b> 153:23	34:14,19 35:10 38:2	<b>276</b> 144:10
<b>11</b> 1:3 100:13 101:7	<b>18</b> 27:5 69:14 72:1	54:4 55:8 56:5,25	<b>28</b> 31:23 70:4 129:1
114:20	103:13 108:13	57:16 61:5,8 65:13	139:9 158:12
<b>111</b> 2:15	111:25 138:11	65:14,15 67:1 70:25	163:14
	<b>180</b> 153:23	71:6 73:6,11 77:9	<b>28th</b> 70:9 112:6
	<b>1801</b> 1:16 2:9 4:7	80:24 82:14 97:5,8	<b>28u.s.c.</b> 161:21

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400

[29 - 8]

Page 2

29 37:13,14 48:20 52:24 53:3,12 54:2 132:23 153:5 2:09 158:23,24 2a 42:12 2f 130:13,18 2nd 129:7	161:11 40004 54:17 4001 24:13,14,16 29:11 30:18 69:25 161:13 4002 27:1,2,4 28:23 161:14 4003 34:7,7,8,8,10 34:11,17 35:6 37:12 52:25 4003a 161:16 4003b 161:17 4004 54:14,15,17 4004a 161:19 4004b 161:21 4005 61:2,3,22 161:22 4006 65:8,9 69:14 162:3 4007 68:2,3 162:5 4008 69:14,15 71:15 162:7 4009 73:3,5 74:9,19 79:22 162:8 4010 87:3,4 90:8,15 90:25 92:1,5 94:17 162:10 4011 95:23,25 96:7 96:24 102:7 103:2 104:10,16 105:14 105:15 112:4 162:11 4012 107:11,13 162:13 4013 108:10,22 162:14 4014 112:2,4 162:16 4015 112:2 113:8 162:17 4016 115:5,7 162:19 4017 121:17,17,19 121:19,20,22 123:20,25 124:1 125:18	4017a 162:21 4017b 162:23 4018 126:1,1,4,5,22 127:11,20,22 4018a 163:3 4018b 163:5 4019 129:2,2,4,4,6 129:20 130:1 4019a 163:6 4019b 163:8 4020 133:8,8,10,10 134:20 135:23 136:8 137:19,20 4020a 163:10 4020b 163:11 4021 139:5,7 163:13 4022 140:14,16,18 140:19 141:8 4022a 163:16 4022b 163:18 4023 142:14,16 163:20 4024 144:7,9,23 145:1 163:22 4025 144:11 145:23 145:24 163:23 4026 144:14,15,20 146:22 164:3 4027 144:17,18 149:20 150:1,5 164:5 4028 151:16,18,18 164:6 4029 153:1,3 164:8 4030 153:18,19 164:9 41 61:1 410 2:21 42 65:7 4200 1:17 2:10 4:8 45 68:1 47 6:2 24:11 32:24 49 109:17 4:01 68:20	4th 140:17 142:6,24 143:6 5 5 24:25 29:12 5/24/10 164:13 50 86:9 50,000 83:2 500 14:5 51 71:13 110:1 52 95:22 53 153:19 54 161:19,21 54321 150:7 54374 29:13,17 5449 129:5 55 80:15,16 96:7 56 87:18 151:25 56918 82:4 57 153:3 59 54:14 6 6 24:25 29:12,18 117:10 6/18/10 161:14 6/29/10 164:8 600 160:23 61 161:22 62 126:4 65 162:3 68 162:5 69 162:7 7 7 24:25,25,25,25 25:7 27:1 29:12,13 29:13,13,18,25,25 55:22 161:3 72 161:6 73 162:8 75 14:6 8 8 2:16 24:13 56:2 69:14 108:13
3 3 13:7 35:4 65:13 130:13,18 138:11 138:16,17 3/1/10 163:3 3/19/10 92:15 162:12 3/19/2010 87:7 88:3 96:3 162:10 3/2/10 163:6 3/21/10 162:8 3/4/10 163:16,18,20 3/9/10 163:10,11 30 37:14 52:24 53:3 53:12 107:18 139:8 163:13 31 37:14,15 52:24 53:3,12 54:2 32 139:2 327 54:16 33 140:13 34 142:13 161:16,17 36 144:5 37 144:5 38 144:6 39 144:6 3rd 139:21			
4 4 69:12,13 107:16 140:21 142:18 400 79:2 4000 20:11,12,13 21:2,6 22:10 69:24 70:10,18 91:10 92:2 96:14,19 98:10 103:8 105:14 108:7 108:13 109:8			

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400

[80 - arbitration]

Page 3

80 164:13	actions 47:5 157:17	al 1:10 4:10 161:17	anybody 23:11
80202 160:23	activities 72:24	albeit 63:5	39:12
80202-4432 2:22	activity 31:21	allegations 54:5	anymore 19:22
80211 2:10	actual 18:15 49:12	56:6	anyway 42:9
87 162:10	118:23	allege 109:19	apologies 99:12
9	add 46:17,22 47:13	alleged 11:9 54:1	143:3 151:24
9 79:3,4	63:24 79:20 99:24	75:20 117:14 128:7	apologize 120:21
95 162:11	102:13,14 111:10	alleges 116:12	apparently 85:21
99 62:20	111:15 125:21	allison 2:12 4:18	appeal 40:12 41:25
9th 134:12	adding 91:7 125:13	allow 157:19,20	42:3,6 43:18,23
a	149:14	allowed 39:20,21	appealed 59:12
a.m. 1:16 78:23	addition 59:8	alternate 117:13	appearance 3:1
aaron 33:22 133:11	additional 13:10	amiss 85:17	142:11
134:3	41:4 154:20	amount 23:1	appearances 2:1
ability 10:16,21	address 23:13 44:1	ample 44:6	127:24
47:10	addressed 113:20	analysis 46:6,8	appeared 127:12,15
able 41:3,11 43:8	134:8	139:24 140:4	143:5 158:12
absolutely 57:20	adjustment 62:4	andrew 33:17 55:9	appearing 5:16,17
abusive 122:19	admission 8:19	129:8 143:10,18	appears 27:20 34:22
academic 122:4	admitted 8:14	annexes 100:13	48:16 87:14 89:1
accept 40:1,8 41:6	advance 13:21	101:7	98:20
41:22 42:3 49:22,24	advice 48:23	answer 6:18,22	application 113:25
50:1	advise 100:6	13:20 28:10 30:6	applied 43:17
accepted 59:12	advocate 36:7	33:23 36:2 40:16	applies 45:22 46:25
access 80:7,10 84:24	affidavit 66:4 74:20	42:8,10,12 43:4,5	59:8
accident 80:14	118:16,22	47:22 49:13 50:15	apply 38:16 40:10
accommodate 13:14	affidavits 111:22	50:21,24 56:17,20	43:11,16 45:18
accomplish 132:7	affixed 160:18	57:5,7,15 59:14	appointed 37:6
accuracy 143:11	afraid 139:1	63:24 64:4 71:2	48:23 113:5 124:13
accurate 21:8 79:4	afternoon 155:12,13	79:22 82:12 101:23	124:18,24 125:3,7
81:23 82:6 103:22	ago 11:3,4 16:3	102:4 114:13,14,18	appointment 42:11
159:5	17:14 125:15	131:22 132:4,5,6	appreciate 133:7
accurately 21:17	agree 148:2	137:12 147:19,21	approach 60:19
accused 93:20	agreed 51:5 83:14	155:22 158:3,8	appropriate 6:13
acknowledged	agreement 5:19	answered 52:6	18:10
15:24 102:8	agria 25:23 26:2	128:17 131:18	approval 50:8 62:12
acknowledgment	30:16 36:18 38:22	answering 13:2	103:25
159:1	53:5 56:12	answers 13:1	approve 62:17,17
acted 36:8	agrio 139:14 155:17	antecedent 42:4	approximately 6:1
acting 38:21	ahead 5:9 44:5	46:13	14:5 16:25 88:24
action 6:18 19:9	47:18 53:22 56:20	anticipate 5:21	april 160:20
39:6 47:9 60:6 67:7	61:15 64:3 76:16,17	anticipated 24:7	arbitration 31:5,10
82:18 118:3 122:20	76:18 132:13	44:2 114:24	31:12 34:13 35:1
160:17	akostecka 2:13	anticipation 22:2	37:20 67:16 161:18

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400



[argument - billed]

Page 4

<b>argument</b> 64:14 110:17 <b>argumentative</b> 67:3 <b>arguments</b> 64:7,19 84:3,5 113:24 <b>arises</b> 5:25 <b>arrange</b> 18:15 <b>arrangement</b> 20:17 <b>arranging</b> 111:22 <b>article</b> 121:24 122:6 123:7,16,24 162:23 <b>articulate</b> 13:3 <b>articulation</b> 45:16 46:22,23 <b>asked</b> 5:15 6:19 48:11 73:25 83:8,12 84:23 97:10 128:16 131:17 134:1 148:5 151:13 152:21 <b>asking</b> 8:17 19:6 26:15 41:24 42:2 59:5 66:3 92:22 112:20 127:16 <b>aspect</b> 39:9 123:9 <b>asserting</b> 38:13,18 38:19 <b>assess</b> 43:8,10 47:20 <b>assessment</b> 156:12 156:25 157:16,16 <b>assessments</b> 49:3 <b>assign</b> 20:10 <b>assigned</b> 96:12 <b>assistant</b> 3:4 16:7 <b>associate</b> 4:25 15:5 34:2 97:10 <b>associates</b> 18:24 93:13 111:17 <b>assume</b> 11:12 13:20 30:6,10 44:11,11,19 87:15 109:3,6 111:2 <b>assuming</b> 150:5 <b>attach</b> 133:13 <b>attached</b> 55:12 80:22 81:4,5,7,13 81:15,22 129:13,20	141:24 142:2 163:22,23 164:3 <b>attaches</b> 133:13,17 <b>attaching</b> 129:9 <b>attachment</b> 34:6 55:19 81:1 126:14 140:17 164:13 <b>attachments</b> 126:17 151:19 <b>attempting</b> 20:23 <b>attend</b> 5:4 80:5,11 <b>attention</b> 15:21 26:25 27:11,13 29:10 32:6 34:4 37:12 54:13 55:17 55:21 66:1 68:19 70:8 82:13 87:3 88:1 96:13 97:23 98:9 103:7,12 108:12 109:25 116:9 117:17 123:23 124:6 130:1 134:5,15 136:10 143:8 146:22 <b>attorney</b> 5:23,23 6:6 6:11 8:4 11:6 12:12 16:7 38:25 40:9 47:12 57:4 58:24 59:1,3 73:22,23 <b>attorneys</b> 2:3,11,17 2:23 4:13 14:21 136:1 160:16 <b>audio</b> 99:9 104:21 <b>author</b> 92:24 <b>authority</b> 43:3 <b>authorized</b> 29:8 <b>available</b> 41:1,5 48:21 <b>avenue</b> 2:2 <b>avoid</b> 12:6 38:15 50:20 <b>aware</b> 10:13 54:4 56:6 <b>awful</b> 38:15	<b>b</b> <b>b</b> 34:6,7,8,11 37:12 52:25 54:15,17 55:22 64:1 68:22 117:18 121:17,19 121:20 123:23,25 124:1 126:1,5,9,22 127:11,20,22 129:2 129:4,20 130:1,2,5 133:8,10 134:6,20 135:23 136:8 137:19,20 140:18 140:19 <b>back</b> 8:13 19:7 41:3 59:25 65:14 71:15 78:25 83:7 89:15 99:12 103:7 104:23 119:8 136:7 149:3,4 <b>background</b> 8:4 34:1 35:11 56:11 122:17 142:7 146:17,20 <b>backtrack</b> 73:15 <b>bad</b> 119:14 123:10 148:3 <b>bait</b> 75:12 <b>balance</b> 77:12 <b>bar</b> 8:10,12 <b>based</b> 6:11 38:20 44:14 46:12 57:15 57:17 62:3,4 84:5 85:17,21 103:10 137:3,4 158:11 <b>bases</b> 44:13 <b>basically</b> 63:21 <b>basis</b> 44:5 59:9 66:4 139:25 158:5 <b>bates</b> 25:8 27:14 29:15 68:4 69:13 72:1 82:3 87:18 96:7 107:14 109:16 109:25 112:5 124:3 126:3 134:6 140:21 144:9,12,16,19	153:22 <b>began</b> 26:14 <b>beginning</b> 20:10 43:9 61:6 113:23 136:11 141:20 <b>begins</b> 55:24 136:18 <b>behalf</b> 4:22 29:3,19 30:1 32:19 37:8,9 38:21 128:11 139:14 <b>beier</b> 59:11 <b>believe</b> 8:9 17:17 18:19,25 21:11 26:17,18,23 27:19 28:11 29:7 31:1,2 40:13 46:1 52:25 53:2 55:23 57:8,17 69:20 72:12 74:8 78:7 79:6 97:9 101:13 102:25 103:4 118:25 130:12 135:2 136:8 150:12 151:6 156:6 <b>believed</b> 53:10 <b>bell</b> 45:22 48:4 134:4 <b>belonging</b> 70:17 <b>beltman</b> 86:10 89:23 90:3,4,9 <b>beltman's</b> 86:22 <b>best</b> 21:7 48:18,20 73:18 101:11 <b>better</b> 7:17,18 72:4 <b>beyer</b> 27:7 151:21 <b>beyond</b> 69:3 <b>bhfs</b> 69:14 72:1 84:15,17 87:18 96:7 109:16 110:1 144:10 152:4,4 153:23 <b>bhfs.com</b> 2:24 <b>bilateral</b> 31:11 <b>bill</b> 22:20,22 83:3 <b>billed</b> 23:4 33:4
---	--	--	---

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400

[billing - care]

Page 5

<b>billing</b> 161:12	128:2,8,9,10,20,22	<b>brought</b> 47:9	154:10,13
<b>billion</b> 124:12	128:25 129:3	<b>brownstein</b> 2:21	<b>c</b>
<b>bills</b> 21:22 62:2	131:10,13,19 132:1	4:21 6:10 7:25 9:2	<b>c</b> 2:18 4:2 7:23
<b>bit</b> 8:4 14:15 31:12	132:10,14 133:5,9	9:11,25 10:5 12:13	118:15
35:1 68:23 85:15	135:18 136:23,24	14:21 15:5,25 16:11	<b>cabrera</b> 36:21,24
105:1 149:6	138:13,18,19,21,23	17:25 19:10,24 21:3	37:4,5,7,9,23 38:2
<b>block</b> 113:24	139:6 140:15,20	21:18 22:1,5 25:5	48:17 49:2,8,12
<b>bloom</b> 31:8 67:19	142:15 143:23	27:24 28:5 39:9	53:5,15 54:6 56:7
68:21,24 69:6,10	144:5,8,12,15,18,21	42:19 62:2 65:1,4	56:14 57:11,19 90:6
70:24 71:9 162:6	148:4,19 149:1,20	65:20,23 71:24	90:10 100:12,18
<b>blume</b> 2:11 4:17,17	150:18,19,21,23	72:13,17 73:19	101:6 109:18 110:8
7:5,13,17,19,20	151:17,24 152:1	79:13,16 81:8,12,24	110:19,21 111:7,14
20:7,14,22 21:5	153:2,19 154:9,24	84:17 96:11,16,23	116:13 117:15
24:15,19 27:3 28:10	154:25 155:1,3,19	109:14 112:11,14	118:20 124:19,25
34:9,16 37:11 38:5	156:14 157:2,4,6,9	113:12,16 114:18	125:3,6 128:6
45:14 46:14,20	157:18 161:3	115:8,15,18 117:4	130:15 132:15
49:18,21 50:4 51:16	<b>blume's</b> 5:15	117:22 122:9,12	133:1 136:19,25
51:24 52:9,16,19,23	<b>bold</b> 143:9	126:16,20 129:24	155:17 156:13,20
54:3,18 55:6 56:23	<b>bolded</b> 113:19	133:18,23 141:23	157:17,24
57:14,23 58:3,11	<b>bottom</b> 27:13,15	143:24 144:3 145:9	<b>cabrera's</b> 128:14
59:14,22 60:14,18	55:22 61:16,21 66:3	145:17 146:13	131:7 147:10,14,25
61:1,4,11,13,15,16	71:18 72:1 91:17,18	147:3 150:4,14	148:10,22
64:3,23 65:7,10,17	97:24 102:12	152:8,12 153:4,9,11	<b>calculus</b> 124:9
67:4,5,12 68:1,4,6	105:15 109:16	154:10 161:11	<b>california</b> 1:16 2:9
69:16 71:3,16,21	130:13	<b>brownstein's</b> 6:1,14	4:7 18:23
72:22 73:2,4 75:15	<b>boulder</b> 23:23 80:3	29:2 68:14 129:21	<b>call</b> 6:20 18:15
76:16,18,22,24 77:2	84:15 86:25 88:7,25	146:10 150:9	19:13,19 26:2 89:8
77:19,22,23 78:2,20	107:17	<b>bullet</b> 100:13 101:7	89:12 90:1 94:6,7,9
79:2,7,9,11 80:16	<b>box</b> 20:8 23:13	102:12,16 116:11	95:10 96:4 97:5,7
80:21 81:4,20,21	<b>bracket</b> 117:19	116:14 117:10	97:14,15,22 98:5,7
87:5,8 88:16,17,18	<b>break</b> 13:10,13	118:15 143:9	98:16 99:19 101:15
88:22,23 90:17,19	76:21,25 78:19,20	<b>bunch</b> 41:15	101:19 102:24
94:2,4 95:24 96:1,5	85:10 88:16 105:4	<b>business</b> 28:16,20	103:1,5 104:9,16,17
99:11,17,18 100:3	<b>breaks</b> 13:8	64:25 65:20 68:14	105:7,8,9 106:9
101:4,17,23 102:11	<b>brief</b> 18:16 117:18	72:14,17,22 79:12	<b>called</b> 1:14 23:14
102:16 104:8,13,22	118:3,11 129:14,19	81:9 109:11,14	25:22 98:7 124:17
105:3,5,6 107:12	139:8 162:4 163:8	112:11,14 113:13	<b>calling</b> 100:2
108:11 111:16,25	163:14	115:15,18 122:12	<b>camacho</b> 2:18
112:3 115:1,3,6	<b>briefing</b> 44:2 129:9	126:16,20 129:21	<b>cancer</b> 124:9,11
116:24 117:3,7,9	<b>briefly</b> 11:20 154:16	129:24 133:20	<b>capital</b> 26:1,1,2
118:14 119:15,18	<b>bring</b> 9:20 51:17	141:23 142:3	<b>caps</b> 62:22 113:11
119:22 120:6,24	<b>broad</b> 43:11	143:24 145:8,10,13	<b>caption</b> 4:9
121:1,4,5,15,18	<b>broadly</b> 16:19 43:16	145:17 146:10,12	<b>care</b> 21:12
123:14,22 125:12	<b>brook</b> 2:7	147:3,5 150:4,9	
125:23,24 126:2		152:9 153:9 154:7	

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400

[career - concluded]

Page 6

<b>career</b> 11:16	<b>chemical</b> 137:6	<b>client</b> 5:23,24 6:6,7	<b>commencing</b> 1:16
<b>carlos</b> 21:10	<b>chernobyl</b> 162:24	6:11,12 22:1,20	<b>comment</b> 38:14
<b>case</b> 4:9 5:3,5 6:3,21	<b>chevron</b> 1:7 4:9,18	38:20,25 40:9 57:4	90:12 94:19 141:3,5
9:18 11:8 17:8,9	35:13 36:8 66:22	65:5,24 72:24 73:22	143:21
19:18 22:20,21 31:4	68:21 75:5 110:8,21	79:17 95:2 96:11,17	<b>commented</b> 15:21
35:9 40:6 43:11	116:12 117:14	96:18 97:2 113:17	<b>commenting</b> 62:9
48:7,9 57:9 59:13	121:24 126:10,24	133:23 150:10	<b>comments</b> 38:16
85:14 89:21 100:7	129:9 140:24	<b>client's</b> 41:24 42:2	<b>commercial</b> 11:13
108:7,16 109:2	161:17,21 162:5	43:8	<b>commission</b> 159:25
121:24 122:4	163:5,22,24 164:4,6	<b>clients</b> 6:15,18 28:21	160:20
127:13 137:16	164:9	30:24,25 31:4 32:20	<b>committed</b> 46:2
138:25 139:10	<b>chevron's</b> 54:4	32:24 38:22 62:20	<b>common</b> 59:10
158:4	55:13 56:6 58:6,14	62:25 110:20	<b>communication</b>
<b>cases</b> 8:23 158:14	60:5 64:16 74:11	<b>clinch</b> 75:24	38:24 39:1 46:4,7,7
<b>causative</b> 47:9	75:20 109:19	<b>closing</b> 112:24	46:18 49:6,14 53:20
<b>caused</b> 22:25 76:6	110:21 113:25	<b>cloth</b> 100:14 101:8	56:18 57:4 134:23
<b>causing</b> 124:11	114:7 122:19	<b>clt</b> 160:22	141:12
<b>cell</b> 97:25 98:2,4,7	129:14 137:4 139:9	<b>clue</b> 90:23	<b>communications</b>
<b>celli</b> 39:14	139:16 142:8 163:9	<b>coast</b> 31:4	58:2 73:22 110:19
<b>certain</b> 8:15,22 9:19	163:14	<b>code</b> 112:8,21 113:4	134:25 149:16
16:6 25:16 32:2	<b>choice</b> 41:14	<b>collected</b> 16:12	<b>communities</b> 124:8
54:12 74:22 101:16	<b>choose</b> 51:3	<b>collection</b> 14:1,10	<b>companies</b> 49:3
118:25 119:1	<b>chosen</b> 5:3	16:9,15 32:2	<b>company</b> 23:14
120:14 140:4	<b>chronology</b> 73:9	<b>collectively</b> 26:1	27:25
<b>certainly</b> 25:3 39:25	<b>circuit</b> 140:11	<b>colon</b> 137:1	<b>compelling</b> 84:5
45:21 49:13,25 50:1	<b>circulate</b> 72:8	<b>colorado</b> 1:17,20	<b>complaining</b> 62:9
57:16 72:4 118:8	<b>circumstance</b> 98:1	2:10 4:8 8:5 16:7	<b>complaint</b> 34:12,12
123:12 139:24	<b>circumstances</b>	19:9 23:23 32:10,13	34:25 37:19 48:8,10
140:6	11:11	32:21 33:5 39:8,10	161:18
<b>certainty</b> 67:24	<b>citations</b> 43:8	48:14 49:10 53:16	<b>comply</b> 85:6
<b>certificate</b> 160:2	<b>cite</b> 158:4	55:14 63:9 66:8	<b>component</b> 45:25
<b>certified</b> 1:18,19	<b>citizens</b> 24:12	67:7 73:20 82:18	122:20
<b>certify</b> 159:2,4	<b>civ</b> 1:3	107:3,17 140:12	<b>components</b> 36:18
160:4,9,14	<b>civil</b> 112:8,21	160:1,6,23	45:24
<b>cetera</b> 49:3,3 118:21	<b>claims</b> 6:6	<b>come</b> 33:13 41:3	<b>compound</b> 157:9,11
140:5	<b>clarify</b> 12:25	43:15 45:7 56:25	<b>concern</b> 63:13
<b>chain</b> 61:5 66:3	<b>cleanup</b> 130:14	82:6 120:19	106:14
112:7 144:16,23	131:6 132:15,20	<b>comes</b> 107:13	<b>concerned</b> 18:18
<b>chairing</b> 5:7	<b>clear</b> 11:21 21:20	<b>comfort</b> 121:12	78:16 80:9 85:4
<b>chance</b> 41:20 61:10	45:15,22 48:4 76:14	<b>comfortable</b> 26:20	<b>concerns</b> 63:14
87:9 146:16	96:9 100:10 101:5	51:9,10 76:12	100:6 104:1,4,8,14
<b>characterized</b> 36:9	104:2 105:3 116:2	<b>coming</b> 24:6,8 87:18	105:23 106:2
<b>check</b> 71:21 102:18	123:7 127:19	<b>commencement</b>	<b>concluded</b> 26:18
146:19	<b>clearly</b> 135:15	160:7	76:8,12 77:4 85:18
			85:22 89:20 137:15

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400

[concluded - crutcher]

Page 7

158:21,24 <b>concludes</b> 143:12 <b>conclusion</b> 43:15 <b>conclusions</b> 128:7 <b>conduct</b> 33:12 47:8 76:9 77:5 83:5 156:25 <b>conducted</b> 10:11 49:2 <b>confer</b> 74:10,17 75:8 85:25 86:3,5 136:1 145:5 151:2 154:21 <b>conference</b> 2:4,6,7 45:4 69:6 70:10 98:12,25 108:15,17 116:22 127:18 <b>confidences</b> 5:24 6:7 6:12 <b>confidentiality</b> 74:22 <b>confirm</b> 5:2 143:10 <b>conflict</b> 24:6 <b>conflicts</b> 24:8 <b>confused</b> 77:17 104:20 105:1 <b>confusing</b> 77:18 <b>connection</b> 10:11 <b>consider</b> 152:19 <b>consideration</b> 86:21 <b>considered</b> 9:21 25:19 26:9,9 <b>consistent</b> 23:24 25:4 28:2 38:1 53:4 66:6,25 69:8 70:18 70:19 84:7,21 85:9 86:4 90:3 96:19 119:4,12 137:9 146:18 151:9 152:15 <b>constant</b> 124:10 <b>constitutes</b> 160:12 <b>consult</b> 58:11,13 <b>consulting</b> 21:12 23:15,19,23,25 24:4 26:10 54:5 86:13	<b>contact</b> 30:24 31:1 109:19 113:5 116:13 117:14 118:20 130:3 155:17 156:20,24 <b>contacted</b> 19:8 22:11 <b>contacts</b> 110:20 <b>containing</b> 116:17 <b>contains</b> 35:8 83:21 <b>contamination</b> 48:22 124:10 126:11,24 163:5 <b>contemporaneously</b> 97:19 <b>contents</b> 94:9 <b>context</b> 56:24 110:24 125:7 <b>continued</b> 3:1 <b>contrary</b> 44:12 149:11 <b>conversation</b> 18:13 18:17 22:23 56:10 86:23 88:5 91:22,23 94:5,22,23 95:5,9 103:15,16,18,21 104:5,15 105:25 106:4 119:7 124:17 124:22 131:13 137:10 154:17 <b>conversations</b> 57:17 60:4 72:19 91:22 103:20 106:21 122:25 <b>conveyed</b> 94:16 135:14 149:9 <b>conveying</b> 66:20 <b>copied</b> 115:10 <b>copies</b> 20:17 <b>copy</b> 20:14 54:19 55:9 65:12 71:18,22 71:23,25 73:6 79:4 81:19,23 82:6 126:7 153:21	<b>copying</b> 27:6 72:4 129:8 133:12 149:22 <b>coriat</b> 3:5 4:4 <b>corner</b> 87:7 96:2,3 109:2 <b>corporation</b> 1:7 4:10 <b>correct</b> 8:1,2,25 9:1 9:6,7 10:1,2,5,6,8 12:13 13:24 14:22 14:23 20:19 32:4,14 32:22,23 45:19 51:1 52:25 61:19 78:2 81:20 84:18 86:25 89:9 106:7,24 117:22 137:22,23 139:16,17 160:13 <b>correction</b> 159:7 <b>corrections</b> 159:6 <b>correctly</b> 53:17 <b>corresponded</b> 30:7 <b>correspondence</b> 102:18 <b>corresponding</b> 30:12 154:5 <b>cost</b> 116:17 <b>costs</b> 33:4,9 <b>counsel</b> 5:7 26:22 59:2,5,17 72:7,8 74:11 86:21 92:19 100:11 101:6 117:4 160:15 <b>count</b> 158:16 <b>county</b> 160:3 <b>couple</b> 10:16 15:17 41:14 74:7 75:9 <b>course</b> 11:15 14:9 16:8 19:1 28:15,20 64:25 65:3,19,22 68:14,16 72:14 79:12,15 81:8,11 84:9 87:19,22 96:22 97:1 109:11,13 112:11,13 113:13	113:15 115:15,17 122:9,12 126:15,20 129:21,23 133:19 133:22 141:22 142:2 143:24 144:2 145:8,10,12,17,19 146:10,12 147:3,5 150:4,9,13 152:8,11 153:9,12 154:10,13 155:9 <b>court</b> 1:1 4:11,15 5:18,18 37:6 40:21 40:25 42:24 48:23 49:12 60:23 66:20 74:8 95:8 113:5 114:19,22,25 116:16 124:13,18 124:24 125:3,7 127:11,12,23,23 135:25 142:10 <b>court's</b> 6:4,9,24 37:8 47:10 <b>cover</b> 34:5 81:5,12 81:22,23 122:7 125:17 140:16,21 144:10 151:19 <b>crime</b> 39:24 40:4,14 41:7,21 42:5 43:22 43:23 44:7,15 45:16 45:18,23 46:1,17,25 47:20 51:13,14 53:15,15 56:19 57:25 58:1 60:8,16 63:24 74:6 99:24 102:14 111:10,15 125:15,20,21 135:15,16 149:16 149:18 <b>criminal</b> 11:8 95:2 <b>crimmins</b> 144:24 146:6 151:6 <b>crimmins's</b> 147:9 <b>err</b> 160:22 <b>crutcher</b> 2:2,9 4:7
---	---	---	--

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400

[curiously - documents]

Page 8

<b>curiously</b> 61:21	<b>defend</b> 32:9	<b>describing</b> 36:1	<b>discretion</b> 62:10,18
<b>current</b> 133:14	<b>defendant</b> 11:8,10	101:18	<b>discuss</b> 68:21 162:6
<b>cut</b> 71:19 72:1 75:11	<b>defendants</b> 1:11,15	<b>description</b> 161:10	<b>discussed</b> 33:4 84:3
<b>cv</b> 139:10	2:17 4:23 6:21,25	162:2 163:2 164:2	98:23 133:14
<b>d</b>	<b>defended</b> 11:15	<b>despite</b> 55:24 83:25	<b>discussing</b> 124:20
<b>d</b> 4:2 7:23 161:1	<b>defense</b> 95:2	85:4	153:14
<b>damages</b> 48:24	<b>defined</b> 32:15	<b>detail</b> 27:11 36:17	<b>discussion</b> 17:12
124:12	<b>definition</b> 77:17	106:2 151:11	18:20 29:2,4,6 37:3
<b>daniel</b> 21:10	<b>delay</b> 12:17 43:12	<b>detailing</b> 118:23	62:15 68:22 85:13
<b>date</b> 4:5 5:20 17:1	60:6 63:5 66:20	<b>determined</b> 46:18	86:24 89:18 94:10
68:9 87:6 88:2	<b>delayed</b> 60:12	<b>develop</b> 32:8 104:3	94:18 102:20
142:10,22 146:23	<b>delaying</b> 75:8	<b>developing</b> 104:1	109:21 110:13
<b>dated</b> 24:17 27:5	<b>deliberate</b> 95:12	<b>development</b> 75:23	112:25 125:5
34:10,14,18 55:7	<b>demanding</b> 83:6,6	<b>differ</b> 63:5 110:25	132:25 135:22
65:12,14,15 68:7	<b>demonstrate</b> 47:3	<b>differed</b> 63:10	140:9,11 147:9
73:5 80:23 82:14	<b>denied</b> 80:7,7,10	<b>different</b> 29:15,17	<b>discussions</b> 17:13
96:2 107:15 109:1	<b>denver</b> 1:17 2:10,22	<b>difficult</b> 12:3 19:5	26:14 36:5 37:10
113:9 115:9 119:4	4:8 16:5 82:24	<b>dint</b> 39:19,20	61:18 64:10 69:1,10
119:24 121:23	134:17 160:3,23	<b>direct</b> 26:25 27:11	70:21 75:6 94:12
126:6 134:11	<b>deponent</b> 2:23 36:2	27:12 29:10 34:4	125:2 154:20
140:16,21 142:17	38:10 51:19 53:24	37:11 42:12 54:13	<b>disorganized</b> 66:21
144:23 145:25	58:22 72:3,15,20	55:17,21 66:1 70:8	<b>dispute</b> 47:6 152:16
149:22 153:5	78:5,10 90:16,18	87:2 88:1 96:13	152:18,19 153:15
162:10,11,14	91:11,15,19,25 92:6	97:23 98:9 103:7,12	<b>distinctly</b> 80:13 82:7
<b>day</b> 15:19 17:2	92:25 93:7,9,13	108:12 109:25	136:4
129:6 139:8 146:1	101:11 102:2,5	116:9 123:22 124:6	<b>district</b> 1:1,2 4:11
159:23 160:19	114:16 120:4,21	134:5,13,15 136:10	4:11 10:12 34:14,25
163:13	128:21,24 155:23	146:22	35:22 47:9 55:14
<b>days</b> 10:16	159:1 160:8	<b>directing</b> 32:6 68:19	140:11
<b>deadline</b> 41:19	<b>depos</b> 60:13	82:13 117:17 130:1	<b>disturbing</b> 76:5
<b>deadlines</b> 74:8	<b>deposed</b> 10:24 11:9	143:8	<b>docketed</b> 139:8
<b>deal</b> 38:17	<b>deposition</b> 1:5,14	<b>direction</b> 31:20	<b>doctor</b> 89:16
<b>dealing</b> 75:5	4:6 5:4 10:10 13:17	32:19 86:2	<b>document</b> 14:1 16:8
<b>dealt</b> 156:5	13:21 15:12,23	<b>directly</b> 30:7,11	18:4 20:9 21:1
<b>deaths</b> 124:9	16:18 39:6 43:10,13	47:10 53:11 138:2	28:23 29:11,16 72:5
<b>decent</b> 122:18	59:11 158:20 160:9	<b>disagree</b> 93:22	82:5 91:4 92:22
<b>decide</b> 86:18	<b>depositions</b> 11:14	<b>disagreed</b> 60:14,18	95:25 114:21
<b>decided</b> 26:20 28:11	11:15,15	<b>disagreeing</b> 60:20	115:21 125:17,18
<b>decision</b> 73:12 79:24	<b>derived</b> 57:3	<b>disclosure</b> 47:11	128:6,11 147:6
158:17	<b>describe</b> 29:5 48:17	<b>discomfort</b> 89:18	151:23 152:7,12
<b>deem</b> 84:5	94:4	<b>disconnect</b> 104:23	<b>documenting</b>
<b>deep</b> 104:4	<b>described</b> 36:17	<b>discovery</b> 31:25	122:19
<b>deeply</b> 158:18	44:15 51:6 83:23	32:1 41:1,19	<b>documents</b> 13:22
	149:17 156:8	<b>discrepancy</b> 85:23	14:6,11,16,20 16:12
			16:15 18:1 19:4

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400



[documents - elements]

Page 9

20:8,20 37:19 81:7 84:1 116:11,17 117:12 118:10 126:3 129:24 133:6 144:22 145:20 146:17,20 <b>doing</b> 37:7 54:20,21 86:9 108:11 116:4 141:4 <b>donz</b> 25:8 27:14 29:13 68:5 82:3 112:5 124:3 134:7 140:22 144:13,16 144:19 150:7 <b>donziger</b> 1:10 4:10 5:3 16:21,25 19:18 19:20 21:13 22:6 23:5,9,11 26:15 30:22,23 32:21 33:3 33:8,14 34:1,2,11 34:18 35:7,15 36:5 36:16 37:23 38:1,21 38:25 39:6 47:5 48:5 49:7 53:4,9,18 53:25 55:9 56:11,21 57:17 58:2,4,13 60:4,5 61:6,7,17 62:8,19 63:2,10,19 64:1,5,22 65:11,14 65:16 66:2,7,10,18 67:5 68:10 69:6 70:22 71:6 73:6 74:1,3,13 78:5 79:5 80:4,23 82:3,11,15 82:16,21,25 83:12 83:16,17,18 84:9 85:11 86:6 95:19 96:4 97:5,7 98:1,6 98:13,16,17,22 99:20 100:5,17 101:2 102:7,15,23 102:24 103:1,5,17 103:21 104:9,15 105:8,22 106:12,23 107:3,5,15,22 108:3	108:16,19 109:4,22 110:14,17 111:5,13 111:18,20 112:7,20 113:1,3,8,10 114:5 114:22 115:10,25 116:8,21 117:19 118:1,12 120:11 121:6,23 122:2,6,15 122:25 123:8,14 124:17,23 125:2,6 125:17 126:7,9,23 127:3,4,17 128:3,12 128:12 129:5,8 130:9,24 131:5 133:12 135:2,5,6,19 135:19 136:5 138:3 138:3 139:20 140:7 140:10,22 141:12 142:6,17 145:25 146:5,19,24 147:23 148:20 149:4,8,17 149:21 150:24 151:1,5,11 156:6 161:16,23 162:9,13 162:17,20,21,23 163:5,7,12,16,19,20 164:13 <b>donziger's</b> 31:4 33:8 47:8 62:12,16 75:18 101:18 103:24,24 106:18 116:10 141:17 150:7 152:18 <b>double</b> 60:16 <b>doubt</b> 34:21 140:10 <b>doug</b> 86:10 <b>dozinger</b> 161:13 <b>dr</b> 49:1,12 <b>draft</b> 24:17,20,22,24 83:15 117:18 118:15 122:3 <b>drafted</b> 83:19 151:1 <b>due</b> 92:7 124:10 <b>duly</b> 5:11 160:8	<b>dunn</b> 2:2,9 4:7 75:4 85:25 144:24 154:20 <b>e</b> <b>e</b> 4:2,2 7:23 14:24 17:2 20:20 24:16 27:5,10,15,15,19 28:13,14,16,19,24 34:5,10,18,24 35:6 48:6 55:7,7,13 61:4 61:7,17 62:16 64:15 64:24 65:4,10,13,15 65:19,23 66:1,19 68:6,9,13,17,20 69:2 73:5,11,14 74:3,4 78:8 79:5,11 79:16 80:22 81:5,7 81:12,22,23 83:5,11 105:17 107:15 112:5,9,10,15,18 113:8,10,12,16 117:20 121:22 122:7,8,13,15 126:6 126:14,17 129:6,13 129:18 133:11,15 133:18 135:14 140:16,21,22 141:1 141:23 142:1,16,22 142:23 143:23 144:3,9,16,19,23 145:1,9,13,16,24 146:5,9,13,23 147:2 149:21,24 150:2,3,8 150:12,14,23 151:1 151:2,5,19 152:2,20 152:22 153:20,22 154:1,9,14 161:1,14 161:16,19,22 162:3 162:5,8,13,16,17,21 163:3,6,10,11,16,18 163:20,22,23 164:3 164:5,6,9,13 <b>earlier</b> 12:10 25:17 26:8 64:2 67:1,12	74:12,19 84:8 89:5 93:1 104:3,16 125:19 134:1 139:20 141:16 145:6 149:6 152:15 <b>early</b> 123:5 <b>east</b> 31:4 <b>ecuador</b> 24:12 25:23 35:9 36:6,13,14 54:7 56:9 64:8 66:12,15 106:24 111:19,23 118:24 119:5 126:11,24 134:24 135:1,3,4 136:6 141:17,19 149:4 156:7,25 163:5 <b>ecuadorian</b> 6:2 9:18 25:19 35:12,21 48:25 74:21,23 85:6 85:6,14 95:20 102:9 110:20 112:8,21 113:4 140:9 149:10 155:16 156:4,8,13 156:17,24 157:15 157:23,24 158:4 <b>efe</b> 110:5 <b>effect</b> 75:11 <b>efficient</b> 116:1 <b>effort</b> 16:15 58:6 <b>efforts</b> 23:3 80:3 99:11 107:3 111:6 123:9 <b>eh</b> 110:5 <b>ehe</b> 110:1 <b>eight</b> 17:14 <b>either</b> 12:12 15:13 26:18 37:5 62:11 101:13 108:2 109:21 111:20 134:24 156:23 <b>electronics</b> 41:12 <b>elements</b> 48:12 140:5
--	---	---	---

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400

[emery - fact]

Page 10

<b>emery</b> 39:14 <b>employed</b> 160:15 <b>ended</b> 90:5 130:14 131:6 132:15,17 <b>engaged</b> 28:17 33:24 <b>engagement</b> 22:11 22:25 24:11,17,20 29:3,12 32:7 61:19 61:23 63:3 86:24 <b>engineer</b> 49:1 <b>englert</b> 15:2,5,14,25 16:11 22:15 61:6,8 65:12,15 66:2 68:8 68:9 69:22 70:9,17 73:7 92:16 103:6,14 108:2,15 109:5,22 110:6,14 113:9 115:10 117:20,21 117:24 121:23 126:7,15 129:7 133:11 134:8 140:23 142:17 144:24 145:25 146:4,23 147:8 148:5 149:21 150:3 150:24 151:21 153:22 162:18,21 163:4,6,10,12,16,18 163:21 <b>englert's</b> 70:19 98:12 <b>entered</b> 5:19 51:19 <b>entries</b> 91:17,21 109:6 <b>entry</b> 70:3,9,18 92:15,15 103:13 108:13,14 <b>environmental</b> 49:1 49:2 89:24 <b>equities</b> 66:22 <b>equity</b> 9:15,22 10:3 <b>eric</b> 31:8 67:19 68:24 70:24 71:9	<b>ericka</b> 15:2,4,10,16 61:6 65:12,15 66:2 68:8,9 69:21 70:9 70:17,19 89:18 92:16 93:5 103:4,13 108:15 109:5 110:6 113:20 115:10 116:7 117:21 126:7 129:7 134:8 144:24 145:25 146:23 149:21 151:2,5 153:21 <b>ericka's</b> 87:12,15 <b>error</b> 98:8 <b>esq</b> 2:4,5,7,11,12,18 2:23 3:4 <b>essay</b> 122:4,16 123:2 <b>established</b> 118:20 <b>estimate</b> 13:16 48:20 <b>et</b> 1:10 4:10 49:3,3 118:21 140:5 161:17 <b>ethical</b> 78:17 102:18 137:15 158:14 <b>europe</b> 31:5 <b>evaluation</b> 89:25 90:5 <b>event</b> 63:23 94:2 <b>events</b> 73:15 <b>eventually</b> 132:16 <b>evidence</b> 137:3,5 <b>evidentiary</b> 112:24 <b>ewing</b> 70:11,14,15 <b>ex</b> 130:3 <b>examination</b> 7:4 155:10 160:7 161:2 <b>examined</b> 5:11 <b>examining</b> 72:8 <b>example</b> 28:14 48:15,18 116:16 <b>examples</b> 41:14 <b>exception</b> 41:21 43:22 44:7,15 45:23 51:15 53:6 56:19	60:17 74:6 99:25 102:14 125:20,21 135:17 149:16,19 159:6 <b>exchange</b> 145:25 <b>excluding</b> 83:20 <b>exclusive</b> 31:1 118:8 <b>exclusively</b> 33:8,14 118:1 <b>excuse</b> 71:14 90:14 93:15,15 102:13 128:4 155:7 <b>exec</b> 100:14 101:8 <b>exemption</b> 39:24 41:7 <b>exercised</b> 95:13 <b>exhibit</b> 20:10,11,12 20:13 21:2,6 22:10 24:13,14,16 27:1,2 27:4 37:12 52:25 54:14 61:2,3 65:8,9 68:2,3 69:15,24 70:10 71:12,15 73:3 73:5 79:2 80:18 81:5 82:10 87:4 91:10 92:2 95:23 96:7,14,19,24 98:10 103:8 104:10,16 107:11,13 108:7,10 108:13,22,24 109:8 112:4 115:5,7 121:19 123:23 126:4 129:4,20 134:6 137:18 139:5 139:7 140:14,19 142:14,16 144:7,9 144:11,14,17,18 151:16 153:1,18 161:11,13,14,16,17 161:19,21,22 162:3 162:5,7,8,10,11,13 162:14,16,17,19,21 162:23 163:3,5,6,8 163:10,11,13,16,18 163:20,22,23 164:3	164:5,6,8,9,13 <b>exhibits</b> 34:8 54:17 112:2 121:17 126:1 129:2 132:22 133:8 161:8 164:11 <b>expect</b> 32:20 36:7 <b>expected</b> 130:23 <b>expecting</b> 130:9 <b>expenses</b> 107:17 <b>experience</b> 158:12 <b>expert</b> 37:6,6 85:6 <b>experts</b> 109:19 110:21 113:5 <b>expires</b> 159:25 160:20 <b>explain</b> 39:3 130:14 <b>explained</b> 123:1 148:20 <b>explanation</b> 130:23 131:5 147:11,24 148:6 149:5 <b>exposure</b> 124:10 <b>expressly</b> 85:16 <b>extension</b> 139:15 <b>extensions</b> 75:9 <b>extensive</b> 37:3 <b>extent</b> 31:15 57:2 59:2 73:22 110:18 110:18 118:9 127:25 140:8 <b>extraordinarily</b> 41:2 <b>extremely</b> 49:22
<b>f</b>			
<b>f3</b> 130:25 <b>facing</b> 74:7 <b>fact</b> 8:22 11:13 13:2 22:5 29:16 30:23 33:6,7 35:8 41:1,11 53:10 56:13,24 78:8 80:2 85:22 90:3 93:4 95:18 96:10 98:9 103:19 117:18 118:11 126:19			

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400

[fact - fourth]

Page 11

129:9,13,19 130:2 137:4 140:7 163:8 <b>factors</b> 62:5,18 <b>facts</b> 53:3 118:2 120:12,12 121:6,7 123:15 139:20 140:7 143:19 146:19 <b>factual</b> 64:7,19 66:7 74:14 84:8 111:18 111:22 114:4 142:7 <b>failure</b> 6:25 78:11 <b>faint</b> 122:5 134:19 <b>faintest</b> 86:15 90:23 <b>faintly</b> 31:9 <b>fair</b> 17:4,5 23:2 57:23 58:3 72:12,16 81:20 95:16 108:5 109:6 111:16 119:2 119:11,18,22 137:25 155:14 156:18,22 157:13 <b>fairly</b> 21:16 50:6 <b>fajardo</b> 29:19,23 30:8 <b>familiar</b> 11:18 14:4 17:16 23:18 31:11 31:15 33:18 59:24 60:2 67:24 86:11,22 140:3 <b>far</b> 40:5 46:25 127:8 <b>farber</b> 2:21 4:21 7:25 81:24 84:17 115:8 161:11 <b>fashion</b> 155:25 <b>fault</b> 64:16 <b>fear</b> 41:7,17 42:5 <b>february</b> 14:14 24:17 25:10 61:5,8 61:18 107:16 108:14,18 109:1,23 111:5 113:9 115:9 119:4,25 121:8,24 122:3 144:23 146:1 149:22	<b>federal</b> 10:11 143:13 <b>fee</b> 63:21 153:14 <b>feedback</b> 104:21 <b>feel</b> 12:24 27:12 64:20 78:13 156:10 <b>fees</b> 30:20 33:4,9 152:16 <b>felt</b> 36:7 60:22 103:23 106:12,17 156:15 <b>figures</b> 116:17 <b>file</b> 34:13 66:12,12 66:18 107:15 114:7 139:7,8,15 150:7 162:4,13 163:14 <b>filed</b> 55:13 64:9 114:25 139:13,22 <b>files</b> 72:23 81:19,24 82:7,10 87:14,18,24 97:2 126:17 133:24 150:5 <b>filing</b> 66:15 74:8 138:24 <b>filings</b> 102:18 116:16 127:11,23 135:25 <b>final</b> 24:23 122:3 <b>finally</b> 144:18 149:20 156:22 <b>find</b> 44:6 <b>finding</b> 51:14 52:8 <b>fine</b> 7:7 21:4 45:1,6 52:18 76:23 120:3 128:25 <b>fingers</b> 158:17 <b>finish</b> 12:6 158:10 <b>finished</b> 61:14,15 143:2 <b>firm</b> 7:25 9:3,9,12 9:19 10:5 14:1 15:6 15:17 16:1,5,11 17:15 18:23 19:11 19:17,25 21:3 22:1 22:6 23:3,8,11,23	24:3,10,21 25:5,10 25:18 26:9 27:24 28:5 29:6 31:22 33:3,5,8 39:9,14,15 58:5 62:4,9 65:1,4 65:20,23 71:9,24 72:13,18 73:19 79:13,16 81:8,12 83:5 87:20,23 88:5 89:7 90:2 96:11 97:1 109:11,14 112:14 113:12,16 115:15,18 117:4,22 122:9,12 126:16,20 128:13 133:23 139:14 141:23 143:25 144:3 145:9 146:13 150:4,12,14 152:12 153:4,9,11 154:11 155:15 <b>firm's</b> 28:16 30:20 66:6 112:11 147:3 152:8 <b>firms</b> 10:1 19:15 20:2 <b>first</b> 5:11 7:11,21 9:17 17:5 19:8 21:1 22:11 27:13,22 33:24 35:3,14,15 39:3,4 40:24 45:25 46:16 61:17,22 65:18 66:2 68:7,7 70:3 77:15 81:6,18 83:24 87:9 92:15 94:9 101:3,3 104:17 106:8 121:18 122:16 127:20 128:5 130:19 131:22 133:10 134:23 141:8 143:17 145:15 149:23 <b>fish</b> 75:11 <b>fishy</b> 158:13	<b>five</b> 9:4,22 99:1,9 150:17,20 <b>florida</b> 107:16 <b>focus</b> 37:9 48:11 64:18 75:19 <b>focused</b> 48:3 <b>folks</b> 51:13 64:8 74:11 134:24 <b>follow</b> 156:9 <b>following</b> 43:20 132:5 <b>follows</b> 5:12 <b>foregoing</b> 159:3 160:12 <b>foreign</b> 95:8 <b>forget</b> 7:8 <b>forgot</b> 75:14 <b>form</b> 21:17,25 25:4 52:18 71:1 88:8,11 88:12,15,20,21 92:8 93:17 119:14 120:1 120:3,15 123:3 131:24 148:1,3,13 148:16 155:19 156:14 157:2,6,18 160:12 <b>formally</b> 8:16 <b>former</b> 6:1,14,18 18:2 <b>formula</b> 46:22 <b>forth</b> 48:8,9 53:3,11 119:24 120:13 121:7 123:16 160:11 <b>forums</b> 36:12 <b>forward</b> 43:13 44:20,21,23 47:14 60:13 105:18 <b>forwarding</b> 68:8 146:5 152:2 <b>found</b> 48:13 49:5,11 53:20 116:18 <b>four</b> 83:21 <b>fourth</b> 91:17 135:16
--	--	--	---

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400

[frame - guilty]

Page 12

<b>frame</b> 15:6 16:19 19:7 152:14 <b>frankly</b> 140:1 <b>fraud</b> 39:24 40:4,14 41:7,21 42:5 43:22 43:24 44:7,15 45:16 45:18,23 46:2,5,17 46:25 47:20 48:12 49:9,10 51:13,15 53:15,15,15,16 56:19 57:25 58:1 60:9,16 63:24 74:6 95:8 99:24 102:14 111:11,15 125:15 125:20,20,21 127:25 135:16,17 149:16,18,19 <b>fraudulent</b> 49:5 <b>free</b> 27:12 108:22 121:21 <b>friday</b> 42:20 <b>friend</b> 19:14 <b>front</b> 20:7 29:11 30:18 48:5 63:9 74:15,16,25 91:5,11 127:15 <b>full</b> 114:3 124:7 136:11 <b>further</b> 33:4 159:4 160:9,14 <b>furtherance</b> 46:5,18 47:21 48:4 49:9,15 53:21 125:19 127:24 135:15 149:18 <b>furthermore</b> 42:14 42:19 <b>future</b> 44:2	<b>gather</b> 136:6 <b>gathering</b> 80:2 135:3,4 <b>general</b> 16:7 35:14 35:17 55:20 58:4 132:22,24,24,25 <b>generally</b> 23:20 29:5 29:6 35:25 38:3 53:8 94:16 95:11 156:8 <b>gentleman</b> 29:19 33:17 36:20 55:8 59:23 84:13 86:10 <b>gentleman's</b> 17:17 <b>geologist</b> 49:1 <b>gerardo</b> 2:17 4:23 <b>getting</b> 19:8 29:7 55:11 60:21 64:20 64:21 74:14 81:1 94:21 134:19 141:11,12 144:22 147:21 <b>ghostwriting</b> 56:7 <b>ghostwritten</b> 54:6 56:13 57:18 <b>ghostwrote</b> 57:11 128:13 <b>gibson</b> 2:2,9 4:6 75:4 85:25 136:1 144:24 154:20 <b>gibsondunn.com</b> 2:5,6,8,12,13 <b>gitter</b> 3:2 4:24 40:11 41:23 44:16 47:15 49:20 59:2 93:15 155:7 <b>give</b> 10:17,21 11:23 17:1 18:7 41:14,15 43:5,14 54:19 61:9 80:19 83:6 98:2 136:3,3 138:8 <b>given</b> 39:21 43:1 83:1 86:1,6 <b>giving</b> 15:23	<b>go</b> 5:9 7:10 8:3 11:20 16:4,5 29:7 40:22 41:7 42:5 43:13 44:4,7,21,23 46:24 47:10,14,18 50:11 53:22 56:20 58:5 60:13 61:14 64:3 66:17 69:4 71:14 76:16,17,18 123:5 128:8 132:13 138:18 139:2 <b>goes</b> 33:2 38:17,24 49:4 109:18 114:3 136:20 <b>going</b> 8:13 31:13 35:18,20,22 36:11 38:14,16 40:15 42:8 43:17 44:14,19,24 45:2 46:12 49:16 51:5 54:18 64:18 72:11 74:14 75:3 76:19,20 77:15,16 78:21 88:15,19 93:10 99:7 116:3,4 116:24 127:10 136:2,3,6,6 139:1 154:6,7 156:9 <b>gomez</b> 2:15,18 4:22 4:22 5:2,5 12:15 17:9 20:16,19,25 21:4 24:15 28:8 34:9,15 36:25 38:6 38:7,12,19 39:24 40:11,17 41:17,23 42:15,17 43:2,25 44:16 45:1,5,11,13 47:15,18,19,25 49:17,20 50:9,10 51:8,10 52:20,21,22 53:13 54:21 55:3,5 56:15 57:2,21 58:7 58:18,24 59:1,6 60:7 61:4 63:15,16 65:10 67:9 71:1 72:9 73:21 80:22	87:5 88:8,11,13 92:7,10 93:15,16 96:1 99:2,3,6,21 100:20,22,23 101:20 104:7,11,18 111:8 114:9 118:5 120:1,15 123:3,18 127:6 128:16 131:9 131:17 135:9,11 138:5,5 143:15 148:1,13,16,23 155:6,7,8,11,25 156:1,10,18 157:13 157:25 158:6,8,9,10 158:20 161:4 <b>gomezllc.com</b> 2:19 <b>good</b> 35:8 46:9 71:4 97:20 119:18 132:2 132:3 147:11,23 148:6 155:12,13 <b>googling</b> 123:8 <b>governing</b> 130:3 <b>graduate</b> 8:24 <b>great</b> 13:15 38:16 50:13 55:1 99:17 123:4 <b>greg</b> 70:4,14 <b>ground</b> 11:19 42:4,4 42:6 45:8,8 46:1,13 46:16 49:24 125:15 127:25 131:23 <b>grounds</b> 39:12,19 40:1 42:21 46:11 63:17 125:13 135:13 149:15 <b>group</b> 26:7 <b>grouching</b> 83:5 <b>guess</b> 46:9 57:8 79:23 97:11,21 120:16 121:9 <b>guesstimate</b> 16:2 <b>guilty</b> 95:2
<b>g</b>	<b>g</b> 4:2 70:10,14 <b>gain</b> 77:8,11 <b>garr</b> 33:20 133:12 134:3 162:23 163:12		

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400

[h - information]

Page 13

h	helps 47:3	92:25 99:12 101:11	implement 32:9
<b>h</b> 14:24	<b>henrick</b> 2:4	102:2 104:22,24	<b>impress</b> 66:18
<b>hac</b> 8:18	<b>hflit.com</b> 27:6	114:17 119:19	<b>impression</b> 47:12
<b>half</b> 103:2	<b>hide</b> 49:11	125:23 133:5	<b>improper</b> 116:13
<b>halfway</b> 94:20	<b>hired</b> 31:22	136:23 138:14,22	117:14
<b>hand</b> 20:14 24:12	<b>history</b> 35:8 48:7,9	150:22 151:24	<b>improperly</b> 36:8
73:4 87:7 96:2,3	<b>hoke</b> 14:24 15:13,18	155:3,23 157:9	54:5 56:13 57:18
109:2 129:3 133:9	16:10,14 22:15	<b>honor's</b> 45:17 52:9	<b>inability</b> 86:5
139:6 140:15	65:12 68:7 73:7	<b>hope</b> 38:15 97:9	<b>inappropriate</b> 18:18
<b>handed</b> 20:11	91:24 94:6,10,12,14	<b>hoping</b> 18:6	102:9
<b>handing</b> 126:2	94:18,23 95:10,11	<b>horowitz</b> 27:17	<b>include</b> 48:11
144:8	98:2,13 103:6 108:2	82:24 83:4,8,17	<b>including</b> 30:16
<b>handling</b> 122:20	108:14 109:10,21	152:3,23 153:5	38:22 48:10 138:12
<b>handwriting</b> 69:18	110:14 113:9	161:14 164:8	139:21
69:19 87:10 96:4,6	115:11 117:20,21	<b>horse</b> 64:18	<b>income</b> 9:14,20 10:3
96:8 108:24	117:23 121:23	<b>host</b> 18:9	<b>inconsistent</b> 53:11
<b>handwritten</b> 70:3	129:8 133:12 134:8	<b>hour</b> 132:8	54:1 76:9 77:5
70:16 72:12 87:6	140:23 142:17	<b>hours</b> 39:22 76:20	85:12 95:18 106:22
92:2 96:2,20 97:4	149:22 153:21	138:11,15,16	119:6 137:9,13,14
162:7,10,11,14	162:18,20,22	<b>hugo</b> 2:17 4:23	156:19
<b>happen</b> 80:12	163:10,12,17,18,20	38:22	<b>incurred</b> 62:3
<b>happened</b> 10:15	<b>hoke's</b> 68:19 69:20	<b>human</b> 48:21	<b>independent</b> 6:16
26:17 28:3,4 35:9	87:13 93:1,2,3 96:8	<b>hyatt</b> 2:21 4:21 7:25	6:24 48:16,19,20
97:17,21 147:12,24	109:7	81:24 84:17 115:8	143:19 157:16
148:7,8	<b>hold</b> 80:25 88:13	145:17 161:11	<b>independently</b> 7:1
<b>happening</b> 36:12	92:10 119:13 120:2	<b>hydrocarbons</b>	<b>index</b> 161:8
105:10	120:18 125:11,12	124:11	<b>indicate</b> 20:24 91:21
<b>happens</b> 71:25	127:7 135:10 157:7	<b>hypothetical</b> 119:20	<b>indicated</b> 19:17 77:2
<b>hard</b> 12:2 40:3,23	157:8	<b>i</b>	111:21
<b>hdd</b> 54:15,16 107:14	<b>holding</b> 137:17	<b>idea</b> 30:14 49:10	<b>indicates</b> 13:7
126:3,4	<b>holme</b> 9:5,8	<b>identical</b> 29:15	108:15
<b>head</b> 11:24 76:11	<b>hon</b> 3:2	<b>identified</b> 20:8	<b>individual</b> 6:2 35:12
<b>heading</b> 116:10	<b>honest</b> 10:17,21	34:17	95:12
<b>health</b> 48:21	143:22	<b>identify</b> 4:13 20:9	<b>individuals</b> 25:11,15
<b>hear</b> 12:16 56:17	<b>honestly</b> 107:7	22:5 26:6 34:6 41:9	31:22 32:24
63:24 64:4 99:6,23	<b>honor</b> 4:17,19 5:14	70:16 92:20,21	<b>indulge</b> 11:20
111:10 131:21	7:17 20:7 38:11	93:23	<b>indulgence</b> 133:7
<b>heard</b> 47:15,17 74:5	44:9 45:14,15 46:20	<b>ignore</b> 132:11	<b>info</b> 110:9 130:14
90:22 119:6 131:24	47:2 50:11,20 51:7	<b>imagine</b> 11:19 90:21	132:15
<b>hearing</b> 7:15 142:19	51:20,25 52:4 53:24	<b>immediately</b> 85:10	<b>information</b> 6:20
<b>held</b> 4:6	59:15 61:13 71:21	103:4	32:2 33:13 34:1,1
<b>hello</b> 98:24	72:3,20 73:2 76:16	<b>impact</b> 48:21 74:25	35:11 47:4,7 60:22
<b>help</b> 70:2,16 92:3,4	77:1 78:10 80:16	<b>impede</b> 10:16	64:11,11,20,21 66:7
92:23,23 142:8	90:16,18,19 91:12		75:2,12 76:6 78:12
	91:15,25 92:6,11,14		78:15 80:8 82:8

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400



[information - kostecka]

Page 14

84:2 86:2,6 94:21 106:22 111:19 116:20 118:13 119:3,11,16,23 120:8 127:16 130:8 130:11 131:6 135:3 135:4,24 136:3,4,7 137:21,24 138:1 142:7 155:15 156:11,12,15,19,23 157:14,22 <b>informed</b> 32:20 <b>inhibit</b> 10:20 <b>initial</b> 104:14 105:7 161:9 162:1 163:1 164:1 <b>initials</b> 110:1,4 <b>inquiry</b> 5:21 <b>instance</b> 41:17 44:12,13 151:15 <b>instruct</b> 40:16 42:9 42:10 50:15,20 51:3 <b>instructed</b> 43:4 50:24 <b>instruction</b> 18:3 50:25 151:10 <b>instructions</b> 18:7,8 <b>integral</b> 50:2 <b>intend</b> 6:15 <b>intention</b> 50:18 <b>interest</b> 59:10 <b>interested</b> 71:20 160:16 <b>interesting</b> 29:14 <b>interests</b> 6:14,16 <b>interject</b> 92:11 <b>international</b> 67:15 <b>interpose</b> 6:15 <b>interposing</b> 6:11 <b>interpret</b> 6:4,9 123:20 <b>interpreting</b> 98:5 <b>interrupt</b> 12:2 44:24 116:25	<b>interspersed</b> 22:16 <b>interviews</b> 84:16,21 <b>introduction</b> 83:21 <b>investment</b> 31:12 <b>invoice</b> 21:25 22:5 23:4 69:5,24 96:18 103:8 108:7 <b>involved</b> 9:17 11:14 17:7,8 19:8,17 31:18 93:19 140:2 <b>involvement</b> 67:15 133:1 <b>involving</b> 35:12 <b>issue</b> 63:5 79:23 102:17 149:8 <b>issued</b> 5:18 <b>issues</b> 5:19 18:9,19 47:6 68:21 74:18 102:25 103:5 108:16 114:4 162:6 <b>items</b> 156:3  <b>j</b> <b>january</b> 9:17 10:4 14:13 15:6 19:7 20:4 21:9 22:12 23:3,7 24:2 31:13 34:10,14,19 35:10 38:2 54:3 55:8 56:5 57:16 68:7,20 69:5 69:9 70:4,9,25 71:6 107:17,22 112:6 131:4 <b>javier</b> 2:17 4:23 38:23 <b>jay</b> 27:16 82:24 152:3 153:4 <b>jayhorowitz</b> 27:6 <b>jbm's</b> 97:24 <b>jeff</b> 84:13 88:6 105:18 <b>jeffrey</b> 59:25 <b>jersey</b> 2:16 <b>jgomez</b> 2:19	<b>jlk</b> 139:10 <b>job</b> 72:4 122:18 <b>joel</b> 3:5 4:4 <b>john</b> 1:5,14 4:12 5:10 7:23 18:23 34:11 98:13 117:4,5 159:2,21 <b>join</b> 9:11 <b>joined</b> 9:14 116:22 <b>jones</b> 118:16,17 <b>judge</b> 42:19 43:24 48:13 49:5,11 63:9 64:9,14,17,17 74:15 74:25 75:19 121:13 127:15 142:11 143:5,12,13,20,21 143:22 <b>judgments</b> 156:16 <b>julio</b> 2:18 4:22 17:9 <b>june</b> 27:5,17 152:2 152:14 153:5 <b>junior</b> 15:9 <b>jurisdiction</b> 40:21 <b>justin</b> 3:4 4:25  <b>k</b> <b>k</b> 14:24 <b>kane</b> 63:9 64:9,15 64:17 74:16,25 75:19 121:13 127:15 142:11 143:5,12,20,21 <b>kaplan</b> 42:19 43:24 48:13 49:5,11 <b>keep</b> 30:18 32:20 65:4,23 68:16 72:23 79:16 81:12 96:23 109:14 112:14 113:16 115:18 122:12 129:24 133:18 144:3 145:19 150:14 <b>keeps</b> 153:11 <b>keker</b> 18:22,23	<b>kelly</b> 1:17 4:15 160:4,22 <b>kept</b> 64:10,25 65:19 68:13 72:13 75:3,7 75:12 79:12 81:8,24 109:11 112:10 113:12 115:14 122:8 129:20 136:2 142:2 143:23 146:9 147:2 150:3,8 153:8 154:9 <b>key</b> 136:18,22,24 <b>kind</b> 19:21,22 22:16 47:13 56:1 76:11 83:21 <b>knew</b> 23:11 115:25 116:1 <b>know</b> 5:3 16:5 18:10 20:2 22:23 23:18 24:22 25:2,12 26:7 29:23 30:4 31:2 33:17 36:6 37:3 40:21,25 41:4,8,20 45:23 46:17 48:12 50:1 52:21 66:14 69:21 70:21 71:25 75:10 83:1 86:10,12 87:16 90:7,20 91:3 92:19 93:23,25 94:10,11,12 96:17 100:25 105:18 107:4,5,6 108:1 116:3 121:9 123:9 135:1,1 140:1 141:4 141:14,15 146:16 147:18 151:13 154:4 157:23 158:5 158:13,13 <b>knowledge</b> 21:7 23:10 57:3 80:12 <b>knows</b> 83:12 <b>kostecka</b> 2:12 4:18 20:22
---	--	---	---

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400

[l - mail]

Page 15

<b>l</b>	<b>lawyers</b> 17:7 58:16 72:23 74:21 87:19 87:23 96:23 114:19 154:20 <b>lead</b> 101:16 <b>leading</b> 93:18 103:16,17 <b>learn</b> 76:8 77:4 90:9 150:25 <b>learned</b> 56:25 76:5 77:13 85:13,16,19 85:22 89:6,7 90:2,4 94:9,15 95:14,15,17 95:19 100:6 106:5 106:22,23 137:10 <b>learning</b> 89:16 90:1 108:17 <b>leave</b> 15:25 38:9 66:4 93:21 123:5 139:8 162:4 163:13 <b>led</b> 73:15 74:3 77:12 104:14 <b>leery</b> 94:20 <b>left</b> 15:17 38:10 80:2 80:6 88:2 96:3 109:2 128:4 <b>legal</b> 43:12 64:7,19 66:8 74:18 84:5,8 113:24 139:24 140:4 <b>length</b> 39:10 <b>letter</b> 24:17,20 29:3 29:12 32:7 42:19 61:19,23 63:3,22 153:4 161:13 163:22,24 164:4,8 <b>letterhead</b> 115:9 <b>letters</b> 83:4 <b>level</b> 100:16 <b>licensed</b> 8:4,7,16 <b>light</b> 131:14 132:17 <b>lightly</b> 158:17 <b>limited</b> 41:2 <b>line</b> 29:18,25 71:18 71:19 89:23 95:1,7	122:16 144:22 159:7 <b>lines</b> 25:1 92:16 101:3,4 <b>link</b> 99:12 <b>list</b> 25:8 136:20 <b>listed</b> 21:10 25:21 159:6 <b>listen</b> 99:10 <b>lists</b> 24:18 <b>litany</b> 47:13 <b>literally</b> 39:7,11 89:17 <b>litigation</b> 16:21 25:22,23 30:15,16 35:12,21,21 36:6,11 36:18 53:5 56:12 95:20 122:18,19 126:10 134:17 135:7,20 155:18 <b>litigations</b> 36:1 126:23 <b>litigator</b> 11:13 <b>little</b> 8:3 103:10 125:14 155:15 <b>livenote</b> 99:15 121:3 157:11 <b>livenotes</b> 52:2 <b>llc</b> 2:15 <b>llp</b> 2:2,9 161:12 <b>local</b> 100:11 101:5 <b>locate</b> 51:24 <b>located</b> 4:7 <b>long</b> 9:2,8 11:3 13:11,16 43:25 <b>look</b> 25:9 69:17 88:14 90:25 91:9,13 91:16 92:10,14,21 108:23 114:10 117:1 142:21 <b>looked</b> 125:18 <b>looking</b> 22:9,14 52:24 71:24 89:22 90:15,15 92:1 110:12 134:10	157:10 <b>looks</b> 71:19 <b>loop</b> 19:22 141:14 <b>losing</b> 36:10 <b>lost</b> 98:25 <b>lot</b> 38:15 60:21 89:15,17 97:17 115:25 <b>lower</b> 116:18 <b>ltreece</b> 2:24 <b>lucid</b> 50:6 <b>luis</b> 30:1,4,12 <b>lusitande</b> 21:10
		<b>m</b>	
		<b>m</b> 7:23,23 68:22 117:20 <b>mackereth</b> 1:18 4:15 160:4,22 <b>magic</b> 41:11 <b>mail</b> 27:5,10,15,15 27:19 28:14,24 34:5 34:10,18,24 35:6 48:6 55:7,7,13 61:4 61:7,17 62:16 64:15 64:24 65:10,13,15 65:19,23 66:1,19 68:6,9,13,17,20 69:2 73:5,11,14 74:3,4 78:8 79:5,11 79:16 80:22 81:5,7 81:22,23 105:17 107:15 112:5,9,10 112:15,18 113:8,10 113:12,16 121:22 122:7,8,13,15 126:6 129:6,13 133:11,15 133:18 135:14 140:16,21,22 141:1 142:16,22,23 143:23 144:3,9,16 144:19,23 145:1,16 145:24 146:5,9,23 147:2 149:21,24 150:2,3,23 151:1,2	

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400

[mail - member]

Page 16

151:5,19 152:2,20 152:22 153:20 154:1,9,14 161:14 161:16,19,22 162:3 162:5,8,13,16,17,21 163:3,6,10,11,16,18 163:20,22,23 164:3 164:5,6,9,13 <b>mailed</b> 20:20 <b>mailing</b> 24:16 <b>mails</b> 17:2 28:13,16 28:19 65:4 81:12 83:5,11 126:14,17 129:18 141:23 142:1 145:9,13 146:13 150:8,12,14 153:22 <b>main</b> 84:3 <b>maintain</b> 87:23 97:2 126:16 133:23 141:23 145:9,13 146:13 147:6 152:12 154:14 <b>maintained</b> 126:19 145:16 <b>major</b> 48:12 <b>majority</b> 137:5 <b>making</b> 42:12 95:3 110:17 <b>manage</b> 32:9 <b>map</b> 126:8 <b>march</b> 14:14 21:9 23:4 56:25 65:13,14 65:15 67:1 73:6,11 77:9 78:8 79:5 89:2 89:4 97:5,8 98:10 98:19 99:20 103:14 103:17,18 106:1,5 106:20 107:1 119:7 126:7 128:10 129:7 131:4 134:12 137:11 139:21 140:17,21 141:20 142:6,18,24 143:6 153:21 154:18	<b>mark</b> 22:19 24:13 27:1 68:2 107:12 <b>marked</b> 20:13,21 24:14 27:2,4 34:8 54:17 61:2,3 65:9 68:3 69:15 73:3,5 80:17 82:10 87:3,4 95:23 107:11 108:10 112:2,4 113:8 115:5 121:17 121:19 126:1 129:2 129:4 133:8 139:5,7 140:14,16,19 142:14,16 144:7,9 144:11,14,17 151:16,18 153:1,3 153:18 164:11 <b>marr</b> 134:3 <b>master</b> 3:3,4 4:24,25 5:8,13 7:3,13,18 12:18 13:7 28:9 37:1 38:6,8,12 39:2 40:15,18 42:1,16,18 42:24 43:19 44:4,10 44:22 45:2,7,12,20 46:15 47:16,24 48:1 48:23,25 49:21 50:5 50:13,17 51:1,4,8 51:12,17,22 52:1,5 52:14,17,20 53:14 53:19 54:20 55:4 56:16 57:6,22,25 58:9,21,23,25 59:4 59:7,16 60:8,16 61:9,14 63:18 67:2 67:10 71:2,14,17 72:7,16,21 73:24 76:15,17,19,23 77:14,20,23 78:3,6 78:18 80:19,25 81:3 81:16 88:9,12,19 90:14,17,20 91:13 91:16,20 92:1,9,13 92:18 93:4,8,10,14 93:22 98:24 99:4,8	99:14,22 100:21,24 101:21 102:1,3,13 104:19,25 105:4 111:9,15 114:10,14 116:24 118:6 119:13,16,20 120:2 120:18,22 121:2 123:4,19 124:13,18 124:24 125:4,7,11 127:7,19 128:4,14 128:18 131:11,21 132:2,11 135:10,12 136:21 138:7,16,20 143:16 148:2,14,17 148:24 149:14 150:17,20 151:22 152:25 154:6,23 155:1,4,9,21,24 157:3,7,10,19 158:7 158:19 <b>master's</b> 13:13 <b>mastro</b> 2:5 116:22 117:1,3,6,7 <b>material</b> 5:22 64:7,7 105:12,14 <b>materials</b> 100:11 101:6 116:12,19 117:14 123:2 <b>matter</b> 14:21 15:20 15:23 16:12,21 21:10,18 22:7,18 23:5 24:21 28:6 30:21 32:10,13,14 32:21 33:5,25 39:20 42:23,25 46:9 47:21 47:23 67:22 69:2 96:11,12 133:14 140:24 152:17 <b>matters</b> 28:17 65:5 65:24 79:17 113:17 150:10 <b>max</b> 3:2 4:24 <b>mcdermott</b> 1:5,14 4:12,20 5:10,16,22 5:25 6:5,7,10,14 7:6	7:23,24 12:23 19:2 21:6 24:19 25:18 33:25 34:11,16 49:8 50:12 52:23 54:4 55:6 57:24 58:4 61:5,7 65:11 67:13 80:23 81:4,21 87:10 88:23 96:6 98:13 99:19 101:1 102:1 111:17 115:7 117:4 117:5,6 119:2 120:23 144:22 153:17 155:5,12,14 157:13 158:6,20 159:2,21 161:13,16 161:20,23 162:9,18 162:21 163:10,11 163:16,18,20 164:13 <b>mean</b> 18:8,18 28:3 35:20 36:4,14 37:3 42:8 45:21 54:9 57:8,10 63:13 70:25 83:2 115:24 118:7 123:7 133:2 140:6 151:12 158:3 <b>means</b> 51:14 56:25 <b>meant</b> 63:16 <b>mediation</b> 116:19 <b>medications</b> 10:19 <b>meet</b> 50:8 53:20 74:10,16 75:8 80:4 84:15 85:25 86:3,5 107:23 136:1 145:5 149:18 151:2 154:21 <b>meeting</b> 41:19 80:5 80:6,11 86:24 88:6 89:6 107:25 109:4,7 109:17 132:16 <b>meetings</b> 84:24 85:3 87:20 108:5 <b>meets</b> 56:18 135:15 <b>member</b> 111:6
--	---	---	--

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400

[members - numbers]

Page 17

<b>members</b> 89:12	<b>michael's</b> 69:2	<b>n</b>	<b>new</b> 1:2 2:3,3,16
<b>memo</b> 46:7,7 83:19	<b>michigan</b> 8:25	<b>n</b> 4:2 161:1	4:11 8:19 10:12
113:24 114:3	<b>microphone</b> 7:14	<b>name</b> 4:4,12 7:9,12	16:22 17:8,8 19:14
116:10 126:8,9,22	79:8	7:12,21,21 17:18	20:2 31:3 34:14
128:15 134:17	<b>middle</b> 66:11 96:10	19:10,25 31:8,9	35:1,22 40:20 41:18
135:7,21 136:11	158:8	33:17,18,21 36:20	47:10 98:25 116:23
140:23 142:6 156:6	<b>mike</b> 144:24	55:8 59:23,24 60:2	117:8
163:5	<b>mind</b> 141:10	67:19 82:24 86:10	<b>night</b> 54:24 107:5
<b>memoranda</b> 141:24	<b>mine</b> 69:19 87:14	86:11,22 107:19	<b>nod</b> 11:24
142:2	<b>minus</b> 138:13	150:25 151:7	<b>nominal</b> 83:1
<b>memorandum</b>	<b>minute</b> 42:16,18	<b>named</b> 29:19	<b>non</b> 49:12 75:24
80:23 81:6,7,13,15	81:17,17 142:25	<b>names</b> 24:18 25:8,9	<b>norm</b> 19:10,11,11
81:22,23 82:14,16	150:17,20 152:25	25:21 29:20 30:1	19:16,19,21
83:15,20 114:6	158:7	134:4	<b>northern</b> 18:23
115:8,14 117:11	<b>minutes</b> 99:1,1,9	<b>naranjo</b> 2:18	<b>notary</b> 1:20 159:25
127:5 133:13,17,19	138:11,14,17,17	<b>narrow</b> 118:19	160:6
134:7 137:17 149:5	<b>misconduct</b> 11:9	<b>nasty</b> 83:4,11	<b>notation</b> 98:9
162:19	75:20 76:11 77:7,10	<b>native</b> 6:2	<b>note</b> 105:16 109:17
<b>memory</b> 14:12 19:4	78:1,9 157:23	<b>nature</b> 101:15	143:9
22:10 23:24 69:8	<b>misrepresentations</b>	148:14 157:4	<b>noted</b> 10:11 12:10
70:2 95:4 141:10	102:19	<b>near</b> 122:3 124:10	<b>notes</b> 69:18,22 70:3
<b>memos</b> 81:13	<b>misspelled</b> 103:15	<b>necessarily</b> 46:24	70:16,20 72:13,18
<b>mental</b> 47:11,12	<b>misspelling</b> 21:11	91:2 123:10	87:6,11,20,23 89:23
<b>mention</b> 17:15	<b>misspoke</b> 93:1	<b>necessary</b> 84:2	92:2,4,20,21,24
94:19	<b>mistake</b> 21:23	118:2	93:3,11 96:2,20,23
<b>mentioned</b> 25:17	<b>mistaken</b> 57:12	<b>necessity</b> 49:6	97:2,4,24 100:10
26:8 33:6 39:5	<b>moderately</b> 122:18	<b>need</b> 11:23 13:10	109:7,10,14 110:13
66:15 67:8,12,16,19	<b>moment</b> 37:14 73:8	26:6 40:2,14 43:19	110:15 147:8 162:7
88:3 104:3 107:20	142:20	43:20 44:7,20,22	162:10,11,14
132:25 139:19	<b>monday</b> 66:13	47:3,17,20,20 49:22	<b>notice</b> 1:13
152:15 153:15	<b>money</b> 83:7 116:1	64:10,11 75:11	<b>noticed</b> 119:14
<b>mentioning</b> 36:20	<b>months</b> 16:20 82:17	76:20 93:16 100:25	<b>noting</b> 63:4
<b>met</b> 25:15 76:4	<b>morning</b> 13:8 19:1	105:16	<b>nuances</b> 53:7
86:14 88:24 107:2,5	42:20	<b>needed</b> 15:21 33:13	<b>nueva</b> 162:16
107:21 108:2	<b>morning's</b> 142:19	60:22 135:24	<b>number</b> 13:7 20:9
<b>miami</b> 107:16	<b>morphed</b> 89:25	<b>needs</b> 49:14 91:4,4	20:10,12 25:8 75:6
<b>michael</b> 14:24 15:9	<b>motion</b> 139:8,13,18	<b>negotiation</b> 63:22	93:5,11 96:10,11,18
15:18 65:12 68:7	139:19 162:3	<b>neither</b> 40:9,9	96:19 97:25 98:4
69:20 87:13 89:17	163:13	<b>neutral</b> 48:15,22	102:17 107:14
91:24 95:11 98:6,13	<b>motley</b> 39:15	124:13,18,24	109:2 125:2 127:9
103:3,3 113:20	<b>move</b> 7:14 44:5 50:7	<b>never</b> 18:15 30:7	137:2 139:10 149:2
115:10 116:6	50:9,10 51:5 67:7,8	96:17 156:15,23	<b>numbered</b> 35:3
117:21 129:8 134:8	<b>multiple</b> 94:11,12	157:14	140:21
153:21 154:5	<b>mute</b> 63:16		<b>numbers</b> 29:15,15
			96:17

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400

[numerous - page]

Page 18

<b>numerous</b> 15:19 49:2	<b>odd</b> 93:13 116:5 <b>office</b> 4:6 15:22 19:12 116:23 118:12 <b>offices</b> 21:12 <b>official</b> 82:17 <b>officials</b> 53:7 <b>oh</b> 9:10 99:8 123:17 123:19 131:24 143:1 <b>oil</b> 49:3 124:10,11 <b>okay</b> 4:3 7:19 8:18 8:24 9:11 11:5,12 12:8,15,20,22 13:4 13:6,14,20 14:19 16:4,8,14 17:4,22 18:3,12 20:6 21:5 22:9,14 23:2,7,13 24:10,24 25:13,17 25:25 26:3,5 27:21 28:13 29:10 31:10 31:17 32:6 33:20,24 34:23 35:6,24 36:14 38:12 44:8,15 45:1 45:10 46:13 49:21 51:15,17 54:11 55:2 55:21 57:14 59:25 60:3 61:16 66:17 67:4,25 69:4,12 70:21 71:12 72:21 76:15 78:16 79:19 80:19 81:3 82:13 85:2 86:12,23 87:17 89:3 93:22 94:13 95:1 96:9,18 97:12 98:8 99:11,17 102:22 104:2,23 105:13,17,25 106:10,19 107:1,9 108:1,9,21 109:1,25 110:23 111:24 112:20 113:3,7 118:14 119:2,15 121:14 125:9 127:19 128:24	129:18 130:3 131:3 131:10 132:9,23 133:4 134:21 136:17 138:13 140:13 141:22 150:2,13 151:9 153:17 154:22 155:4 <b>old</b> 64:18 <b>once</b> 11:2 42:25 82:22 99:23 107:6,7 127:12 <b>operate</b> 124:8 <b>operates</b> 19:21 <b>opponents</b> 66:21 <b>opportunity</b> 12:18 43:14,17 44:1 80:7 80:20 <b>oppose</b> 66:5 84:4 142:8 <b>opposed</b> 132:4 <b>opposing</b> 58:5,14 60:5 70:11 <b>opposite</b> 85:7 <b>opposition</b> 114:7 117:18 118:3 129:14 139:9,15 162:4 163:8,14 <b>opted</b> 27:24 62:22 <b>order</b> 5:18 6:4,9,25 13:6 47:11 157:15 <b>ordered</b> 6:22 <b>ordinary</b> 28:15,20 64:25 65:3,19,22 68:14,16 72:14 79:12,15 81:8,11 87:19,22 96:22 97:1 109:11,13 112:10 112:13 113:13,15 115:15,17 122:9,11 126:15,20 129:20 129:23 133:19,22 141:22 142:2 143:24 144:2 145:8 145:10,12,17,19	146:9,12 147:3,5 150:4,8,13 152:8,11 153:9,12 154:10,13 <b>original</b> 71:18 <b>originally</b> 24:7 <b>ormand</b> 3:4 5:1 41:13 54:24 <b>outline</b> 129:9,13 130:2 163:8 <b>outlines</b> 113:24 129:19 <b>outside</b> 32:3 <b>overrule</b> 45:18 46:15,24 50:22,23 <b>overruled</b> 28:9 37:1 45:3 53:14 56:16 57:6,22 58:9 60:8 67:10 73:24 99:22 100:24 101:21 111:9 114:12 118:6 120:19 123:19 127:8 131:12,23 135:12 143:16 148:18,24 155:21 <b>overruling</b> 39:2,19 44:13 45:9 49:25 50:2 125:14,22 128:1 149:15,15 <b>overwhelming</b> 118:9 <b>owen</b> 9:6
<b>o</b> <b>o</b> 4:2 7:23 14:24 68:22,22 <b>oath</b> 10:7 <b>object</b> 6:25 63:16 77:15 93:17 114:9 <b>objection</b> 6:20 7:1 12:16,19 28:8 36:25 39:3,12,17,21 42:21 44:13,21,23 45:10 45:19 46:16 50:3,22 50:23 52:5 53:13 56:15 57:2,21 58:7 58:18 60:7 67:2,9 71:1 73:21 74:1 77:16 88:8,10,20 92:7 99:21 100:20 100:23 101:20 104:7,18 111:8 118:5 120:1,15,18 123:3,18 125:14,22 127:6 128:1,16,19 128:23 131:9,11,17 131:20,22,24,25 135:9,11,13 143:15 148:1,13,15,23 149:15 155:19 156:14 157:2,4,5,18 <b>objectionable</b> 94:1 <b>objections</b> 6:11,16 12:11 44:19 45:17 46:21 93:21 95:3 132:4 <b>obligation</b> 137:16 <b>obviously</b> 10:7 21:21 121:20 <b>occasion</b> 14:10 15:13 16:20 22:18 33:16 67:13,14 <b>occasions</b> 31:6 <b>occurred</b> 14:13 102:8 108:6		<b>p</b> <b>p</b> 4:2 26:2 <b>p.m.</b> 68:20 78:24 158:24 <b>pablo</b> 29:19,23 30:8 <b>package</b> 151:18 <b>page</b> 25:7 27:13,22 29:12,15,18,25 33:22 35:4 37:12 41:15 55:22 56:2 61:22,22 68:6 91:14 92:15 94:20 103:13 103:16 108:13	

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400



[page - prepare]

Page 19

112:5 113:10 116:9 117:10 123:23,24 124:2,3,4 127:20 128:5,15,21 130:19 133:11 134:3,7 135:14 136:10 159:7 161:2 162:23 163:10,12 <b>pages</b> 14:5 24:25 29:17 39:7,11 41:10 41:13 69:17 <b>paid</b> 83:3 <b>paper</b> 48:5 <b>paragraph</b> 27:22 32:7,16 35:3 37:13 42:11 48:19 55:23 56:1,3 61:23 63:7 80:1 83:21,24 84:12 85:2,24 113:20 124:7 134:23 136:11 141:8 <b>paragraphs</b> 37:14 37:17,18,21 38:1 48:10 52:24 53:3,12 83:22 <b>paramount</b> 102:17 <b>parcel</b> 137:21 <b>parenthetical</b> 118:19 <b>park</b> 2:2 <b>parking</b> 89:15,17 97:17 <b>part</b> 24:10,11 27:16 50:2 53:19 63:2 72:17,22 80:17 94:18,25 102:20,24 106:11 123:11 130:8 136:8 137:20 139:23 145:4 149:12 151:20 <b>parte</b> 130:3 <b>participate</b> 13:25 84:16,21,23 98:20 <b>participated</b> 89:11 97:7 98:15	<b>particular</b> 26:6 124:21 <b>particulars</b> 49:10 <b>parties</b> 4:14 5:20 137:4 160:15 <b>partner</b> 9:25 10:5 19:10 89:21 117:7 151:7 <b>partners</b> 74:16 <b>parts</b> 133:10 <b>party</b> 11:6 <b>path</b> 154:7 <b>patient</b> 75:7 <b>pause</b> 61:12 81:2 <b>pay</b> 33:3,9 <b>payaguaje</b> 2:17 4:23 22:7 <b>paying</b> 30:20 <b>payment</b> 22:2,6 <b>pending</b> 13:12 50:16 51:22 52:12 <b>people</b> 88:25 134:25 143:22 <b>percent</b> 62:20 67:24 <b>perfect</b> 150:21 <b>period</b> 69:9 74:13 106:20 112:24 <b>periodically</b> 19:12 <b>permissible</b> 110:22 <b>permission</b> 5:15 13:13 20:25 52:10 98:3 105:22 106:13 106:18 <b>permit</b> 118:10 121:12 135:25 156:16 <b>person</b> 26:6 91:21 91:23 120:19 <b>personally</b> 25:14 89:12 97:6 <b>perspective</b> 152:19 <b>persuasive</b> 64:14 74:24 75:19,21 <b>pertained</b> 156:13	<b>pertains</b> 155:16 <b>pertinent</b> 84:1 <b>peruse</b> 37:14 56:1 <b>peter</b> 118:16,17 <b>petition</b> 32:14 34:11 34:25 35:7 55:13,23 58:6,14 60:5 66:5 69:7 114:8 129:14 139:10,16,25 140:2 142:8 161:21 163:9 163:15,22,24 164:4 <b>phone</b> 12:16 17:9 18:15 19:13 63:16 89:8 98:7 <b>phrase</b> 141:9 <b>physically</b> 95:8 <b>physician</b> 97:18 <b>piaguaje</b> 2:17 <b>piece</b> 48:4 <b>pissed</b> 143:13 <b>place</b> 40:24 60:11 95:24 108:21 112:3 113:7 115:6 121:18 141:19 151:17 153:2 160:10 <b>placing</b> 27:3 142:15 <b>plaintiff</b> 1:8 2:3,11 <b>plaintiffs</b> 6:2,17 9:18 25:20,22 26:2 29:8 35:12 37:7 38:22 139:14 <b>plan</b> 116:6,7 117:11 119:4,24 120:9,13 121:8 <b>play</b> 30:15 58:17 118:10 <b>played</b> 59:2,4,18 79:24 <b>please</b> 5:2 7:22 26:7 34:5 40:7 52:15 56:20 61:2,10 65:8 68:2 72:9 77:22 79:21 80:15,20 90:25 95:22 102:4 104:12 108:9 112:1	114:14 115:4 119:10 121:16 125:25 129:1 138:6 138:8 142:13 144:6 158:10 <b>point</b> 12:22 14:11 25:13 26:5,9 29:1 30:24 31:1 47:25 63:4 83:8,10,10 86:16 94:11 100:25 101:7 102:16 109:22 112:25 115:1 117:9 125:9 131:3 136:4 143:9 <b>pointed</b> 47:2 <b>points</b> 136:18,22,24 142:18 <b>poor</b> 103:10 <b>portion</b> 2:6,7,18 54:25 57:11 90:10 95:5,10 102:15 111:7,13 125:16 149:23 <b>portions</b> 12:11 54:6 56:14 57:19 90:6,7 128:14 <b>position</b> 40:12 66:8 86:2 147:12 <b>positive</b> 97:11 <b>possible</b> 97:13 108:1 113:24 <b>power</b> 40:25 42:11 <b>practice</b> 8:7,19 13:9 22:17 46:10 98:2 146:18 151:14 <b>practiced</b> 8:14 <b>practicing</b> 8:15 <b>preamble</b> 120:24 <b>preceded</b> 132:4 <b>preceding</b> 32:16 <b>precisely</b> 45:9 46:11 46:11 116:3 <b>prepare</b> 100:11 101:6 118:16 139:18
---	--	--	--

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400

[prepared - raising]

Page 20

<p><b>prepared</b> 6:8 24:20 40:1 41:22 42:3 49:24 50:1 100:14 101:7 116:6,7 117:11 127:17 152:7 <b>preparing</b> 13:17 82:7 139:19 <b>present</b> 3:2 43:18,23 <b>presents</b> 45:8 <b>preserved</b> 44:19 <b>preserving</b> 44:17 <b>pressed</b> 41:19 <b>presumably</b> 118:9 <b>pretty</b> 35:8 87:1 97:11 <b>prevent</b> 60:11 <b>previous</b> 8:13 70:23 70:24 71:7 132:21 160:7 <b>previously</b> 24:9 95:19 106:23 111:21 137:14,22 137:25 138:2 164:11 <b>primarily</b> 14:20 22:15 116:6 118:8 <b>primary</b> 30:24 <b>principal</b> 86:19 114:23,23 118:13 <b>principals</b> 86:12,17 <b>principles</b> 156:8 <b>printed</b> 21:18 <b>prior</b> 15:12 24:2 25:10 35:10 53:20 77:25 107:1 118:20 <b>privilege</b> 5:19,24 6:6 6:7,12 7:1 14:17 18:9 38:7,13,15,18 38:20 39:12,17 40:8 40:10,10 42:13,21 44:14,21,23 45:9,17 46:16 49:25 50:3 53:13 56:15 57:4,21 58:7,18,23 60:7</p>	<p>63:17,19,25 67:9 73:21 74:22 99:21 100:23 101:20 106:15 111:8 118:5 123:18 125:14,22 127:6 128:1 131:24 135:9,11 148:23 <b>privileged</b> 36:25 114:9 <b>pro</b> 8:18 <b>probably</b> 11:4 75:23 85:19 94:11 97:16 97:18 98:6 158:16 <b>problem</b> 12:7 40:19 43:5 44:3 52:1 <b>procedural</b> 95:3 <b>procedure</b> 46:10 85:6 140:3 <b>proceed</b> 20:24 61:13 <b>proceeding</b> 10:12 31:5,11,12,23 32:1 39:8,10 43:6 48:14 63:9,11 68:23 76:13 100:7 <b>proceedings</b> 32:3 73:20 80:17 111:19 158:24 <b>process</b> 136:9,9 145:5 151:3 154:21 <b>produced</b> 14:8 82:1 82:3 87:17 <b>product</b> 5:23 6:6,12 40:10 46:21 47:11 47:12 58:24 59:1,3 59:8 63:17 73:23 136:9 143:15 152:21,23 164:7 <b>production</b> 14:1,5 14:10 16:9,15 63:20 69:13 82:11 113:10 129:5 150:6 152:3 161:5 <b>professional</b> 1:19 160:5</p>	<p><b>promised</b> 75:3 <b>promoting</b> 63:11 <b>prong</b> 46:3,6 49:14 49:15 53:21 125:20 135:16,16 149:18 <b>prongs</b> 51:14 56:18 <b>pronouncing</b> 15:2 <b>proper</b> 85:7 149:9 156:25 157:17 <b>prophylactic</b> 36:12 <b>proposed</b> 151:5 <b>proposing</b> 143:20 <b>protect</b> 6:13,16 <b>protected</b> 6:20 39:1 <b>provide</b> 47:8 48:23 111:18 114:5 118:2 142:7 <b>provided</b> 48:22 62:9 97:25 139:21 147:23 149:5 <b>provides</b> 112:7 122:17 <b>providing</b> 64:6 123:2 <b>provision</b> 62:21 112:8 113:4 156:4 <b>provisions</b> 74:22 112:21 <b>prueba</b> 162:16 <b>public</b> 1:20 116:16 123:8,12 159:25 160:6 <b>purport</b> 97:4 <b>purported</b> 24:12 <b>purports</b> 107:14 121:22 133:13 <b>purpose</b> 5:6 98:22 <b>purposes</b> 8:14 14:17 71:20 72:10 127:9 127:23 144:21 <b>pursuant</b> 1:13 5:16 5:17 <b>pursue</b> 36:11 <b>put</b> 15:4 43:9 56:23 114:24 127:22</p>	<p><b>q</b> <b>qualitatively</b> 110:24 <b>quality</b> 48:6 <b>quarter</b> 17:5 97:24 <b>question</b> 6:19 8:13 12:6,17,23,24 13:1 13:2,11 38:24 40:16 42:9 47:21 50:16,21 51:23 52:7,12 53:2 56:20 57:7 58:10 63:23 64:4 71:4 73:25 75:14 76:21 76:22,24 83:18 92:19 102:4 104:20 104:20 114:15 119:21 120:25 131:22 132:1,10,14 135:18 145:16 155:24 157:6,21 158:1 <b>questioning</b> 103:11 105:1 <b>questions</b> 19:2 26:5 42:12,13 68:24 92:17 93:19 147:19 155:8 <b>quibble</b> 118:7 <b>quickly</b> 8:3 54:22 67:7 <b>quimby</b> 2:15 <b>quite</b> 25:16 75:7 <b>quote</b> 32:8 35:7 46:4 48:19 62:2 63:4 66:18 86:1 122:16 124:8 143:9 <b>quoting</b> 48:19</p>
			<p><b>r</b> <b>r</b> 4:2 7:23 21:12 <b>rachel</b> 2:7 <b>rainforest</b> 162:23 <b>raised</b> 102:25 103:5 104:9 <b>raising</b> 38:13</p>

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400

[ran - refresh]

Page 21

<b>ran</b> 19:23	31:19 33:25 34:24	119:3,12,17 122:15	103:10 104:2
<b>randy</b> 2:5 116:25	35:2,16 36:16,19,23	155:15,25 156:11	115:19 116:25
<b>rationale</b> 45:16	37:2,5,9 38:4 53:8,9	156:19 157:14	138:11 141:6 153:8
<b>rblume</b> 2:12	53:25 55:10,18	<b>receiving</b> 33:25	154:7,14 158:22
<b>rbrook</b> 2:8	56:10,21 57:10,12	34:24 35:2,5 55:18	159:5
<b>reach</b> 40:2,3,6,7,14	59:17,19,19,21	112:17 116:20	<b>recorded</b> 97:14
128:7	62:13,15 67:11,17	117:12 118:22	98:11
<b>reached</b> 128:7	68:22 69:1,3 71:11	120:8,11 121:1,5	<b>reduced</b> 160:11
<b>reaching</b> 41:21	74:7,23 75:1,6,7,10	122:2,5 131:5	<b>reducing</b> 91:7
<b>reaction</b> 62:19	75:15,20,24 76:5,7	134:16 141:1 156:2	<b>refer</b> 25:25
100:8 101:18	77:3 79:24 80:3,9	<b>recess</b> 78:23	<b>reference</b> 80:1
<b>read</b> 27:12,21 41:13	80:13,14 82:7,15,25	<b>recitation</b> 48:7,16	102:11 128:5
56:3 61:10 80:20	83:3 86:19 88:18,24	<b>recognize</b> 22:4	161:10 162:2 163:2
81:3 101:4 119:8	89:11 90:1,11 92:4	24:20 27:15 31:7	164:2
121:2 125:16	94:5,8,14,22,25	34:17 55:7 69:17	<b>referenced</b> 74:19
136:15,17 159:3	95:9 97:6 98:21,22	87:10 96:6 108:24	102:6 128:15
<b>reader</b> 90:21 91:1	100:16 101:17	110:4,6 115:21,23	132:21
<b>readily</b> 40:20	102:20,22 103:19	140:25 142:21	<b>references</b> 41:16
<b>reading</b> 35:3 37:21	103:23 105:9 107:2	145:4 149:24	54:23 55:1 146:15
63:7 91:3 121:20	108:17 110:12,13	<b>recollect</b> 154:1	147:8
138:6,8 143:2	110:16 111:4,12,12	<b>recollection</b> 11:7	<b>referencing</b> 61:22
<b>ready</b> 5:13 39:25	113:3,6 115:24	13:23 18:16 27:23	63:3
<b>really</b> 19:21,22	116:20 117:9	28:2 30:9,11 33:21	<b>referred</b> 64:2 88:6
92:18	118:17,22 120:8,11	34:20,23 35:4,14,17	137:21 141:16
<b>realtime</b> 1:19	121:1,5 122:2,24,24	35:24 36:4 37:22	145:5
<b>reask</b> 52:12,14	123:6 124:20,22	55:18,20 56:4 60:10	<b>referring</b> 66:15
<b>reason</b> 13:11 27:19	125:5 126:22 127:1	60:12 63:8 64:5	117:10 141:7
48:3 57:16 75:17,18	127:2,3,4 128:2,12	67:21 73:18,25	<b>reflect</b> 21:17,25
83:16 84:22 103:23	129:12,12 131:3,10	74:10,19 78:11	22:17 28:23 97:4
103:23 106:12	131:15 132:19,19	79:23 85:1,20 88:4	<b>reflected</b> 23:4 55:12
141:2 150:11	134:16 135:22	90:8 96:14,16 98:14	61:18 78:7 97:13
<b>reasonable</b> 46:1	136:4 138:23 140:2	98:20 99:19 100:1,4	101:3 103:1 104:15
109:3 132:8	141:3 142:10,23	101:12,25 102:6,23	108:6 109:8 110:15
<b>reasons</b> 45:3 47:14	143:14 147:20,20	105:11 106:3	<b>reflecting</b> 73:11
63:20 83:23 84:3	147:21,22 148:4,12	107:10,21,24	83:22 103:14
123:1 125:22	148:19,25 149:1,2,3	109:21 117:12	107:16
158:15	149:7,25,25 150:16	122:5 127:10,12	<b>reflection</b> 21:8
<b>rec</b> 58:19	154:17,19 156:2,4	129:16 134:2,19	<b>reflects</b> 29:18 61:18
<b>recall</b> 8:20,21,23	156:17	141:18 143:4	69:5 105:15,21
11:10 14:16 16:1,24	<b>receipt</b> 71:24	<b>recollections</b> 86:15	<b>refresh</b> 13:22 14:12
17:11,12 19:7,11,20	<b>receive</b> 18:3 28:16	<b>recommended</b>	19:4 22:10 28:1
19:24 20:1,3,4,5	119:23 130:9,11,24	62:10	35:4 37:21 56:4
22:24 24:5,8 25:13	<b>received</b> 8:18 17:25	<b>record</b> 4:4 7:22 43:9	63:8 67:20 88:3
26:13,16,23 27:18	19:13 20:24 28:20	44:18 50:5,15 64:23	90:8 95:4 96:14
29:4,6,9 31:6,9,16	71:25 84:1,9 119:1	78:22 79:1 93:17	98:14,19 107:10

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400

[refresh - road]

Page 22

141:18 143:4 <b>refreshed</b> 79:22 <b>refreshes</b> 27:23 74:9 74:19 85:20 107:20 134:2 <b>refreshing</b> 96:15 <b>refused</b> 84:24 <b>regard</b> 31:20 33:12 46:21 <b>regarding</b> 5:19 69:7 113:5 116:17 119:5 126:10 136:19,25 155:16 156:13,19 156:23 157:15,24 <b>regardless</b> 6:5,19 <b>registered</b> 1:18 160:5 <b>relate</b> 65:5 <b>related</b> 30:15 33:5 49:15 63:1,4 65:23 72:23 113:16 126:23 150:9 160:14 <b>relates</b> 47:8 48:13 79:16 <b>relating</b> 126:10 157:17 <b>relations</b> 123:9,12 <b>relationship</b> 39:8 70:23 71:8 151:10 <b>relevance</b> 68:23 <b>relevant</b> 47:6 62:5 62:18 64:19 75:21 80:8 140:11 <b>reliable</b> 47:7 <b>relied</b> 111:18 118:8 140:6,7,8,10 <b>relieving</b> 6:10 <b>rely</b> 114:5 117:25 118:1 123:12,15 139:19 143:10,18 <b>remain</b> 16:4 25:1 <b>remark</b> 132:12 <b>remember</b> 14:7 17:23 19:3 26:11,15	36:4 54:9 59:22 60:20,20,21,24 82:5 89:14,15 108:20 109:20 110:16 112:17,20,25 125:1 125:1 126:25 127:14,16 130:25 131:1,2,8 134:23 139:3 140:25 141:5 141:5,11,12,14 143:3 154:1,3,4 <b>remind</b> 67:20 <b>removed</b> 82:22 <b>repeat</b> 104:11 119:8 120:4 <b>repeated</b> 83:25 <b>repeatedly</b> 64:6 135:23,24 <b>rephrase</b> 148:3 157:12 <b>replied</b> 62:8 <b>report</b> 37:8 54:7 56:7,14 57:12,19 90:6,10 100:18 111:7,14 118:21 128:14 130:15 131:7 132:16,18 133:1 136:19,25 147:14,15,25 148:9 148:22 <b>reporter</b> 1:18,19,19 4:15 7:9 11:23 12:3 160:5 <b>reporter's</b> 160:2 <b>reports</b> 147:9 <b>represent</b> 4:14 21:1 24:7 26:16,21 27:24 28:12 29:8 31:22 70:14 86:18 143:20 <b>representation</b> 6:1 15:14 26:14 43:20 75:16 106:7 131:4 <b>representations</b> 60:22 74:15 85:5 121:13	<b>represented</b> 11:7,8 23:8 24:9,11 25:11 94:16 <b>representing</b> 4:4,20 25:19 26:10,19 28:6 28:21 31:3 39:13,16 42:22 73:19 75:5,25 76:3 83:18 84:10 <b>request</b> 62:1,17 66:7 70:11 83:25 119:24 161:5 <b>requesting</b> 105:21 139:15 <b>requests</b> 120:12 121:6 <b>requires</b> 43:11 46:6 <b>requiring</b> 6:5 <b>reread</b> 42:20 <b>research</b> 43:12 84:6 <b>reserve</b> 40:12 43:7 <b>reserving</b> 40:19 45:15 <b>resolve</b> 42:25 <b>resolved</b> 6:22 42:23 <b>respect</b> 74:18 92:7 <b>respectfully</b> 63:6 <b>respond</b> 18:4 <b>responding</b> 65:13 65:14 <b>responds</b> 66:10 <b>response</b> 11:24 12:17 16:16 49:18 63:2 119:23 120:9 120:12 121:6 <b>responsibilities</b> 78:17 114:19 <b>responsibility</b> 74:11 89:20 114:22 <b>responsible</b> 30:19 30:20 <b>responsibly</b> 86:5 <b>rest</b> 49:23 <b>result</b> 14:2 78:11 160:17	<b>resulting</b> 124:11 <b>results</b> 137:6 <b>ret</b> 3:2 <b>retained</b> 26:21 82:21,23,23 89:24 90:4 <b>retainer</b> 83:1,3 <b>return</b> 156:7 <b>reveal</b> 59:3 73:22 <b>revealed</b> 62:16 106:1 <b>review</b> 13:22 14:11 14:12,19 43:15 65:18 73:8 87:9 <b>reviewed</b> 37:17 156:3 <b>reviewing</b> 14:15,16 55:19 105:11 126:22,25 127:2 134:16 <b>revisited</b> 162:24 <b>rice</b> 39:15 <b>richard</b> 36:20 37:23 49:1 124:18,24 <b>right</b> 11:23 12:10 13:16,25 14:4,6,9 14:24 15:2,3,7 20:23 21:23,23 23:21 29:16 32:17 32:17 40:12 41:25 42:2,11 43:7,8 45:5 52:14,21 56:3 70:1 78:18 85:10 87:2,7 90:13,24 93:6 96:2 98:17,18 99:10,14 105:23 106:2 111:1 114:16 117:22,25 128:18 134:11,13 137:2 138:19,21 142:13 145:15 158:5 <b>ring</b> 134:4 <b>rmastro</b> 2:6 <b>road</b> 126:8
--	---	--	--

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400

[robert - similar]

Page 23

<b>robert</b> 2:11 4:17	116:11 117:18	130:4,16,21 133:15	10:4 12:13
<b>roberts</b> 9:5,8	118:15,19 124:7	134:9 136:13 137:7	<b>she'll</b> 52:7
<b>role</b> 11:5 30:15 32:8	130:14 137:2,2	139:11 144:25	<b>shed</b> 131:14 132:17
53:5 58:16 59:2,4	141:13 147:11	146:2,7,25 147:16	<b>sheet</b> 22:9,14 23:14
59:18 77:9 79:24	<b>schedule</b> 40:24	148:5 152:5 153:6	97:19 98:10
85:13 95:20 100:17	138:21	153:24 157:8	<b>sheets</b> 21:2,8,18,21
106:24 118:11	<b>scheme</b> 49:11	<b>seeking</b> 60:6 66:4	97:13 105:7
119:5 133:1	<b>schindler</b> 103:15	78:12	<b>shenrick</b> 2:5
<b>room</b> 38:9,10 51:19	<b>schreck</b> 2:21 4:21	<b>seen</b> 92:2	<b>shifting</b> 66:22
98:25 117:1	7:25 81:25 84:17	<b>send</b> 22:1 41:12	<b>shinder</b> 59:23 60:1
<b>routinely</b> 15:18	115:8 161:12	55:1 62:20,25 83:15	84:13,14 85:3,12,16
<b>rpr</b> 160:22	<b>scope</b> 14:8 118:21	114:3 121:10,11,11	85:18,19,21 86:8
<b>rule</b> 12:18 43:22	118:23	151:2,6	88:6,24 89:8 90:2
46:4 59:9 114:20	<b>scores</b> 39:7,11	<b>sending</b> 83:4 142:6	91:24 94:6,24
<b>ruled</b> 59:11	<b>sd</b> 102:7 110:9	142:23 151:20	101:19 103:15,18
<b>rules</b> 11:19 93:20	<b>search</b> 24:6 52:10	<b>senior</b> 15:5 19:10	103:20,25 104:5,17
130:3	<b>second</b> 17:5 32:7	<b>sense</b> 8:16 18:6	104:17 105:7,9,17
<b>ruling</b> 40:1,8,13	35:15 45:21 46:3,6	64:13 95:11 132:24	105:18,22 106:1,6
41:6 42:5 43:23	49:14 75:17 77:14	<b>sent</b> 22:6 28:14	106:13,15,21 119:6
44:1,20 45:17 50:2	77:15 80:1 83:25	37:19 54:23,25 79:5	131:14 132:16,20
59:12 71:20 74:5	84:12 88:13 92:10	83:10,16 113:4	132:21 137:11,13
<b>rulings</b> 38:15 42:13	106:9 118:15 120:2	116:7 125:17	149:12
<b>run</b> 154:8	120:19 124:7	126:15,23 128:11	<b>shinder's</b> 89:6
<b>s</b>	125:11,12 127:7,11	135:6,20 142:22	<b>short</b> 22:23
<b>s</b> 4:2 98:12 108:16	143:21 149:7 157:7	152:3 156:6	<b>shorthand</b> 1:18
109:4 117:19 161:5	<b>secondly</b> 74:9	<b>sentence</b> 32:18 35:7	160:10
<b>safety</b> 72:10	<b>section</b> 31:23 35:8	61:23 83:25 84:14	<b>show</b> 69:12 91:22
<b>sake</b> 72:10	117:18,19 118:11	86:1 124:7,21,21	107:9,19 116:12
<b>sampling</b> 137:6	129:13 130:2,2,13	125:8 130:18	<b>showed</b> 117:14
<b>sat</b> 8:10,12	134:17 139:9 163:8	143:17 146:15	<b>sic</b> 55:22 95:13
<b>satisfied</b> 117:13	<b>sections</b> 129:19	147:11	123:23 144:12
125:19	147:13,14 148:9,21	<b>separate</b> 26:22	145:22 151:6
<b>saw</b> 151:1	<b>see</b> 19:3 21:1,14	<b>separately</b> 128:13	<b>sign</b> 29:2
<b>saying</b> 37:5 71:11	22:15 23:16 27:8	<b>series</b> 19:2 24:18	<b>signal</b> 13:12
82:9 107:23 128:21	29:16,21 30:2 32:11	29:20 30:1 110:13	<b>signature</b> 25:1
158:5	34:16 51:21 55:15	153:22	29:18,25 160:19
<b>says</b> 32:18 35:6 62:2	61:24 62:6 66:23	<b>set</b> 18:15 48:7,9 53:3	<b>signed</b> 114:21
66:11 70:4,10 83:24	68:11 70:6,12 80:1	53:11 58:1,4 119:24	<b>significant</b> 23:1 90:6
84:14 85:2,25 88:2	91:18 93:4,8 97:12	120:13 121:7	90:7,11 134:25
89:23 94:20 95:2,7	105:19 110:2,10	123:16 160:11	<b>signs</b> 150:24
96:3 97:24 98:12	113:21 114:1	<b>setting</b> 58:17	<b>similar</b> 9:25 52:12
100:10 102:17	115:12 116:14	<b>seventeenth</b> 2:21	52:18 110:20
105:16 109:4,17	117:2 121:25	<b>shake</b> 11:24	125:15,18 147:10
110:8 113:23	122:22 124:14	<b>shareholder</b> 7:24	147:13,25 148:9,22
	126:12 129:10,16	9:12,13,14,15,21,24	150:8

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400



[similarly - steven]

Page 24

<b>similarly</b> 12:5	155:23 158:9	90:14,17,20 91:13	<b>spent</b> 22:18 35:18
<b>simply</b> 18:14 25:9	<b>sound</b> 14:6 17:16	91:16,20 92:1,9,13	<b>spoke</b> 16:25 17:18
43:7 46:22 47:1	164:5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21,22,23,24,25,26,27,28,29,30,31,32,33,34,35,36,37,38,39,40,41,42,43,44,45,46,47,48,49,50,51,52,53,54,55,56,57,58,59,60,61,62,63,64,65,66,67,68,69,70,71,72,73,74,75,76,77,78,79,80,81,82,83,84,85,86,87,88,89,90,91,92,93,94,95,96,97,98,99,100,101,102,103,104,105,106,107,108,109,110,111,112,113,114,115,116,117,118,119,120,121,122,123,124,125,126,127,128,129,130,131,132,133,134,135,136,137,138,139,140,141,142,143,144,145,146,147,148,149,150,151,152,153,154,155,156,157,158,159,160,161,162,163,164,165,166,167,168,169,170,171,172,173,174,175,176,177,178,179,180,181,182,183,184,185,186,187,188,189,190,191,192,193,194,195,196,197,198,199,200,201,202,203,204,205,206,207,208,209,210,211,212,213,214,215,216,217,218,219,220,221,222,223,224,225,226,227,228,229,230,231,232,233,234,235,236,237,238,239,240,241,242,243,244,245,246,247,248,249,250,251,252,253,254,255,256,257,258,259,260,261,262,263,264,265,266,267,268,269,270,271,272,273,274,275,276,277,278,279,280,281,282,283,284,285,286,287,288,289,290,291,292,293,294,295,296,297,298,299,300,301,302,303,304,305,306,307,308,309,310,311,312,313,314,315,316,317,318,319,320,321,322,323,324,325,326,327,328,329,330,331,332,333,334,335,336,337,338,339,340,341,342,343,344,345,346,347,348,349,350,351,352,353,354,355,356,357,358,359,360,361,362,363,364,365,366,367,368,369,370,371,372,373,374,375,376,377,378,379,380,381,382,383,384,385,386,387,388,389,390,391,392,393,394,395,396,397,398,399,400,401,402,403,404,405,406,407,408,409,410,411,412,413,414,415,416,417,418,419,420,421,422,423,424,425,426,427,428,429,430,431,432,433,434,435,436,437,438,439,440,441,442,443,444,445,446,447,448,449,450,451,452,453,454,455,456,457,458,459,460,461,462,463,464,465,466,467,468,469,470,471,472,473,474,475,476,477,478,479,480,481,482,483,484,485,486,487,488,489,490,491,492,493,494,495,496,497,498,499,500,501,502,503,504,505,506,507,508,509,510,511,512,513,514,515,516,517,518,519,520,521,522,523,524,525,526,527,528,529,530,531,532,533,534,535,536,537,538,539,540,541,542,543,544,545,546,547,548,549,550,551,552,553,554,555,556,557,558,559,560,561,562,563,564,565,566,567,568,569,570,571,572,573,574,575,576,577,578,579,580,581,582,583,584,585,586,587,588,589,590,591,592,593,594,595,596,597,598,599,600,601,602,603,604,605,606,607,608,609,610,611,612,613,614,615,616,617,618,619,620,621,622,623,624,625,626,627,628,629,630,631,632,633,634,635,636,637,638,639,640,641,642,643,644,645,646,647,648,649,650,651,652,653,654,655,656,657,658,659,660,661,662,663,664,665,666,667,668,669,670,671,672,673,674,675,676,677,678,679,680,681,682,683,684,685,686,687,688,689,690,691,692,693,694,695,696,697,698,699,700,701,702,703,704,705,706,707,708,709,710,711,712,713,714,715,716,717,718,719,720,721,722,723,724,725,726,727,728,729,730,731,732,733,734,735,736,737,738,739,740,741,742,743,744,745,746,747,748,749,750,751,752,753,754,755,756,757,758,759,760,761,762,763,764,765,766,767,768,769,770,771,772,773,774,775,776,777,778,779,780,781,782,783,784,785,786,787,788,789,790,791,792,793,794,795,796,797,798,799,800,801,802,803,804,805,806,807,808,809,810,811,812,813,814,815,816,817,818,819,820,821,822,823,824,825,826,827,828,829,830,831,832,833,834,835,836,837,838,839,840,841,842,843,844,845,846,847,848,849,850,851,852,853,854,855,856,857,858,859,860,861,862,863,864,865,866,867,868,869,870,871,872,873,874,875,876,877,878,879,880,881,882,883,884,885,886,887,888,889,890,891,892,893,894,895,896,897,898,899,900,901,902,903,904,905,906,907,908,909,910,911,912,913,914,915,916,917,918,919,920,921,922,923,924,925,926,927,928,929,930,931,932,933,934,935,936,937,938,939,940,941,942,943,944,945,946,947,948,949,950,951,952,953,954,955,956,957,958,959,960,961,962,963,964,965,966,967,968,969,970,971,972,973,974,975,976,977,978,979,980,981,982,983,984,985,986,987,988,989,990,991,992,993,994,995,996,997,998,999,1000	92:18 93:4,8,10,14	35:15 67:22 86:16
52:11 62:22 80:21	<b>sounds</b> 67:23,24	93:22 98:24 99:4,8	106:15
<b>sir</b> 5:8 7:3 9:3 10:24	<b>source</b> 114:23	99:14,22 100:21,24	<b>spoken</b> 15:16 17:10
12:16 13:18 14:4	116:12 117:13	101:21 102:1,3,13	18:22 30:7
21:14 22:15 23:14	118:13 143:19	104:19,25 105:4	<b>ss</b> 160:2
25:14 30:6 31:7	<b>southern</b> 1:2 4:11	111:9,15 114:10,14	<b>stamp</b> 34:13
32:13 33:16 37:16	10:12 34:13,25	116:24 118:6	<b>stamped</b> 139:7
54:13 56:5,24 61:17	35:22 47:9	119:13,16,20 120:2	<b>standard</b> 130:14
71:16 82:13 92:13	<b>spare</b> 121:20	120:18,22 121:2	131:6,16 132:15,17
153:20	<b>speak</b> 7:14 12:4	123:4,19 124:13,18	132:20
<b>sit</b> 37:2,4 66:16 75:1	15:13,18 16:20	124:24 125:3,7,11	<b>standards</b> 70:11
127:1 129:17	18:11,12,14 67:13	127:7,19 128:4,14	116:18
<b>sitting</b> 11:23 20:22	67:14 105:22	128:18 131:11,21	<b>start</b> 5:15 19:6
30:14 66:14 89:15	<b>speakerphone</b> 2:19	132:2,11 135:10,12	73:17 78:3 99:23
<b>situation</b> 41:24	<b>speaking</b> 17:11	136:21 138:7,16,20	<b>started</b> 78:13,13
<b>six</b> 16:20 17:13	30:11 31:6 38:3	143:16 148:2,14,17	<b>state</b> 7:11,20 8:5,8
<b>sixth</b> 116:11	53:8 59:22 93:21	148:24 149:14	8:11,13,19 16:7
<b>skeptical</b> 49:23	100:16 101:1,9	150:17,20 151:22	56:17 75:25 76:1
<b>slightest</b> 39:11	<b>speaks</b> 67:3	152:25 154:6,23	93:16 116:25 160:1
<b>slightly</b> 15:9	<b>special</b> 3:3,4 4:24,25	155:1,4,9,21,24	160:6
<b>small</b> 90:13 130:5	5:8,13 7:3,13,18	157:3,7,10,19 158:7	<b>stated</b> 74:12,21
<b>smyser</b> 17:15	12:18 13:6,7,13	158:19	127:25
<b>somebody</b> 35:5	22:24 28:9 37:1	<b>specific</b> 34:24 36:19	<b>statement</b> 49:22
42:21 71:17 82:23	38:6,8,12 39:2	46:3,21 50:24 63:23	84:20 100:9
86:16 101:12 120:4	40:15,18 42:1,16,18	109:22 112:21	<b>statements</b> 12:4
135:4	42:24 43:19 44:4,10	120:10 125:5	49:4 74:4 143:11
<b>somebody's</b> 37:8	44:22 45:2,7,12,20	135:22 147:22	<b>states</b> 1:1 8:15 32:3
<b>soon</b> 146:16	46:15 47:16,24 48:1	<b>specifically</b> 13:21	32:3 42:20
<b>sorry</b> 14:7 17:23	48:22,25 49:21 50:5	20:3 35:2 37:22	<b>status</b> 9:16
24:11 29:9,12 34:12	50:13,17 51:1,4,8	50:15 51:2 55:10	<b>statute</b> 158:4
38:5 42:17 53:24	51:12,17,22 52:1,5	59:8 66:3 71:10	<b>stay</b> 34:12 35:1
58:22 63:15,15	52:14,17,20 53:14	73:12 80:11 94:7	37:19 161:18
67:11 69:25 76:16	53:19 54:20 55:4	98:15 123:6 141:7	<b>stephen</b> 2:4
79:2,7 82:2 88:9	56:16 57:6,22,25	148:20 156:5	<b>stepped</b> 50:12
98:8 100:3,21 102:3	58:9,21,23,25 59:4	<b>specificity</b> 29:9	<b>steven</b> 1:10 4:10
104:11,19 108:20	59:7,16 60:8,16	100:17	16:21,25 21:12 22:6
110:5,5 112:4 120:7	61:9,14 63:18 67:2	<b>specifics</b> 69:3	23:8 32:21 34:10
124:1,2,20 128:8	67:10 71:2,14,17	<b>speculation</b> 93:18	55:9 65:16 74:24
129:15 130:17,25	72:7,16,21 73:24	<b>speed</b> 94:2	82:14 96:4 98:17
131:19 134:10,13	76:15,17,19,23	<b>spell</b> 7:12,21	105:17,18 115:9
137:20,20 143:1	77:14,20,23 78:3,6	<b>spelled</b> 7:9	126:7,9 129:8
144:15 145:24	78:18 80:19,25 81:3	<b>spend</b> 13:17	133:12 143:10,18
150:19 151:25	81:16 88:9,12,19		145:25 146:24

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400

[steven - tell]

Page 25

149:21 <b>stop</b> 125:12 <b>strategy</b> 32:9 58:5 58:14,17 59:18 60:4 63:8,10,13 108:16 134:17 135:7,20 <b>stratus</b> 21:11 23:14 23:19,25 24:3,9 26:10,16,19,20 27:25 28:6,7,11 54:5 56:13 57:11,18 58:16 59:5,7,17,20 68:21 75:25 76:4,9 77:5 80:5 84:24,25 86:13,17,25 88:25 89:7 90:9 100:10,14 101:5,7 109:18 111:13 116:13 117:15 118:21,24 128:13 147:25 148:9 157:24 162:6 <b>stratus's</b> 77:9 85:5 85:13 95:19 100:17 106:24 111:6 119:5 132:25 147:9,14 148:21 156:19,24 <b>strawn</b> 31:8 67:20 68:25 70:5,15,24 71:9 <b>street</b> 1:16 2:9,15,21 4:7 19:15 160:23 <b>strike</b> 25:20 115:2 151:15 <b>string</b> 161:16,22 162:3,5,16 163:22 163:23 164:3,5,6,9 <b>strongly</b> 36:8 <b>struggling</b> 63:12 <b>stuff</b> 41:13 <b>sub</b> 100:13 102:12 116:14 130:13 <b>subject</b> 39:20,23 40:3,20,24 46:4 50:6 62:4,11,11 68:20 69:2 74:6	91:6 121:24 126:8 140:23 142:18 <b>sublet</b> 130:18 <b>submit</b> 100:11 101:6 152:23 <b>submitted</b> 137:3,5 138:24 <b>subpoena</b> 1:13 5:17 14:2 16:16 17:14,24 17:25 18:1,5 40:25 <b>subpoenas</b> 84:4 <b>subscribed</b> 159:22 <b>subsection</b> 134:6 <b>subsequently</b> 9:15 <b>substance</b> 14:18 15:24 89:6 101:10 108:23 111:10 114:6 135:14 138:1 <b>substantial</b> 47:3 54:6 56:14 57:18 <b>substantive</b> 18:20 83:22 87:20 104:5 <b>substitute</b> 5:7 <b>successfully</b> 40:4,5 <b>suffice</b> 10:3 57:15 106:19 <b>sufficient</b> 156:11,12 156:23 157:14,22 <b>sufficiently</b> 137:14 <b>suggest</b> 23:21 24:16 34:9 71:7 <b>suggested</b> 24:9 70:23 <b>suggests</b> 122:16 150:23 152:20 <b>suite</b> 1:17 2:10,16 2:22 4:8 160:23 <b>sum</b> 114:6 136:12 136:18 <b>summary</b> 100:15 101:8 142:18 <b>summoned</b> 19:12 <b>sunday</b> 54:24 <b>support</b> 66:4,8 74:14 84:2,4,8	111:23 114:23 118:2 <b>supposed</b> 127:21 <b>sure</b> 9:23 12:25 13:1 20:1 22:12 44:2 54:8 55:11 58:8,10 60:25 61:11 71:5 76:1,3 80:21 82:6 82:12 87:1 88:17 90:12 97:11 105:5 106:8 119:9 120:6 128:9 131:23 132:6 132:7 138:7 141:4 141:13 <b>surprise</b> 151:8 <b>surprised</b> 25:12 120:17 121:10 129:15 139:4 150:25 <b>suspect</b> 46:1 69:22 110:7 123:10,11 <b>suspensions</b> 78:13 104:4,14 <b>sustain</b> 77:16 88:15 88:20 <b>sustained</b> 67:2 128:19,22 <b>sustaining</b> 88:20 <b>swear</b> 4:16 <b>sworn</b> 5:11 159:22 160:8  <b>t</b> <b>t</b> 7:23,23 <b>tab</b> 20:9,11 24:13 27:1 34:4 54:14 61:1 65:7 68:1 69:12,13 71:13 80:15 86:9 95:22 107:10 108:9 115:3 121:16 125:24 128:20 129:1 132:23 139:2 140:13 142:13 151:25 153:3,19	<b>tabs</b> 20:8 111:25 144:5 <b>tactics</b> 122:19 <b>take</b> 13:7 18:7 32:19 37:13 41:20 43:22 52:10 62:11,23,24 73:8 77:20,23 78:19 87:20 90:25 91:9 142:20,20 151:10 <b>takeaway</b> 132:21 <b>taken</b> 1:15 11:14 78:23 101:16 160:10 <b>takes</b> 147:14 <b>talk</b> 15:24 18:8,17 23:22 57:1 73:14 103:25 105:16,17 <b>talked</b> 17:3 31:16 36:6 75:13 83:11 86:13 89:19 103:4 125:3,6 149:6,8,8 <b>talking</b> 15:20 35:18 59:19 63:1 74:24 85:10 86:8 90:23 111:2 132:19,20 151:23 <b>talks</b> 62:1 84:12 85:24 130:2 <b>tasks</b> 118:15 <b>team</b> 67:14 68:23 69:1 76:2 89:12 101:2,12,13 108:19 111:6 116:10 118:1 133:18 146:19 147:19 148:21 154:18 <b>technical</b> 53:7 <b>teleconference</b> 104:23 <b>telephone</b> 69:6 70:10 93:5,11 98:12 103:14 119:7 <b>telephoning</b> 100:5 <b>tell</b> 21:6 25:9 26:13 27:22 28:5 53:18
---	--	--	---

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400

[tell - try]

Page 26

65:18 67:5 69:17 72:5 73:18 80:21 92:4 96:17 99:18 100:5 123:15 135:6 135:20 142:21 154:16 <b>telling</b> 37:23 53:25 86:19 89:17 111:13 123:20 128:12 136:2 <b>ten</b> 11:12 99:1 <b>tenth</b> 140:11 <b>term</b> 32:15 63:13 <b>terms</b> 61:18 <b>terrifying</b> 124:9 <b>testified</b> 5:12 39:7 89:5 111:21 <b>testify</b> 6:5 18:1 160:8 <b>testifying</b> 42:22 <b>testimony</b> 10:17,21 12:11 38:21 39:15 39:16,20,21 41:4 43:1 47:14 49:15 64:2 66:25 67:17 92:3 99:24 127:21 159:4,5 <b>texas</b> 17:13,16 <b>thank</b> 5:8 7:3,7 17:20 34:15 40:11 45:12 51:7,12 55:3 55:4,5 73:1,2 77:1 78:20 79:10 102:5 114:16 119:18 125:23 136:23 150:21 155:4,5,5 158:6,19,20 <b>thanks</b> 144:20 <b>theme</b> 36:10 <b>thing</b> 123:10 149:7 155:20 <b>things</b> 14:13 18:9 26:17 35:25 37:22 53:6 76:11 93:13 95:16 149:2 158:12	<b>think</b> 5:13 8:16,21 14:17 16:6 18:18 19:13,15,16 28:2,3 28:7 39:5 41:2,8 44:4,5,22 45:4,5 46:25 50:5 51:4,5 52:2,3,5 54:8,10,24 64:13 67:16 70:1 75:8,18 76:15 81:16 82:25 83:6,9,9,16 85:15 87:13 89:5 90:21 92:20,25 93:2 93:3,17,18,19,25 96:8 97:16 98:5 101:14,15 102:9 103:1,9,22,22 110:5 134:1 137:12 148:2 158:3 <b>thinking</b> 66:11 75:21 86:20 107:4 133:14 <b>thinks</b> 106:11 <b>third</b> 61:22,23 75:23 85:2 89:23 91:18 136:11 146:15 147:10 <b>thought</b> 64:14 80:8 127:15 131:24 156:7 <b>thoughts</b> 63:3 134:18 135:7,21 <b>three</b> 16:2 37:17,18 37:21,25 48:10 103:5 134:7 138:15 155:8 158:16 <b>threshold</b> 40:8 <b>thumb</b> 21:5 <b>tier</b> 9:13 <b>tim</b> 27:7 <b>time</b> 4:13 12:3,5,22 15:6 16:11,24 19:5 19:7 21:2,8,17,21 22:9,14,15,16,18,19 22:20,22 23:1,13 25:14,18 27:25 29:1	31:13 35:15,15,18 41:1,4,19 43:12,15 46:15 50:21 52:10 53:10 62:3 69:9 70:9 71:8 74:13 83:2 88:4 97:13,15 97:19 98:10,11,12 99:5 103:13 105:6 108:14 109:6 115:1 117:10,23 120:20 124:23 125:9 131:3 132:6 135:1 136:5 138:6,9 152:14,16 154:7,23 155:1 160:10 <b>timely</b> 86:1 <b>times</b> 11:1 48:16 107:2 <b>tiny</b> 54:25 <b>titled</b> 162:23 <b>today</b> 4:5 5:16 7:6 10:8,17,22 11:21 15:12 16:18 17:9 18:1 25:14 30:14 35:24 37:2,4 38:17 66:14,16,19 73:10 75:1 127:1 132:8 156:3 <b>told</b> 19:19,24 35:25 36:10 38:1 40:2 41:8,9 53:4,9 56:12 56:21 57:11 64:6 74:13 76:7 77:3 80:4,11 84:7,22 85:3,12,16,18,21 86:4 89:24 94:7 98:6 111:5 122:25 127:4 135:23,24 137:13,15,22,25 138:2 149:11,12 <b>tomorrow</b> 114:4 <b>top</b> 20:2 24:18 25:7 27:5 63:2 65:11 66:19 88:2 96:10 100:9 113:11,19	145:1 151:20 <b>topic</b> 112:23 124:21 131:1,2,8,15 <b>topics</b> 18:14 <b>total</b> 39:4 <b>town</b> 78:9,16 <b>tph</b> 116:18 <b>transcript</b> 41:15 52:11 90:21,22 91:1 91:3 159:3 160:13 <b>transmitting</b> 48:6 <b>traveled</b> 84:15 <b>traveling</b> 5:6 <b>treat</b> 6:25 <b>treaty</b> 31:12 <b>treece</b> 2:23 4:19,20 5:14 10:10 12:10,12 20:15 27:6,16 28:15 36:3 38:11 44:9 50:11,14,19 51:2,7 51:20 52:3 54:18 58:20 92:11,14 117:3 144:20 151:19,20 152:1,20 153:14 161:15 164:8 <b>tremendous</b> 39:10 <b>trial</b> 47:2 137:3 <b>tried</b> 13:2 92:19 <b>triggers</b> 134:22 141:2,9 <b>trip</b> 107:17 141:17 141:19 <b>trouble</b> 7:15 52:7 <b>troubled</b> 94:15 95:13,14,17 158:18 <b>true</b> 23:5 31:2 47:24 48:1,2 57:19,20 79:4 81:18,22 85:8 93:14 118:23 159:4 160:13 <b>truth</b> 160:8 <b>truthful</b> 10:17,21 <b>try</b> 12:2 13:14 18:14 19:3 36:11 40:3
---	--	--	---

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400

[try - withdrawal]

Page 27

51:5 52:10,17,19 92:21 94:2 105:3 <b>trying</b> 51:24 77:24 86:18 93:23 <b>tuesday</b> 1:15 <b>turn</b> 39:23 68:1 69:24 71:12 80:15 86:9 95:22 121:15 125:24 132:23 140:13 <b>turned</b> 86:21 <b>turning</b> 81:15 <b>twice</b> 107:7 <b>two</b> 9:13,21 13:8 14:20 16:2 17:2,13 26:17 29:14 31:6 45:23 46:11 53:15 60:9 68:6 76:20 91:17,20,22 101:3,3 103:20 112:5 113:10 126:2 127:9 133:10 149:2 152:25 156:3 158:16 <b>type</b> 31:5,10 64:24 <b>types</b> 35:25 <b>typewritten</b> 160:12 <b>typically</b> 151:12	<b>underlying</b> 6:3 <b>understand</b> 6:17 10:7 11:22,25 12:23 14:19 15:1 20:16 25:21 30:19 31:21 31:25 40:13,17 41:23 43:2,3,3 44:17 50:22 53:17 58:10 60:3 71:3,5 73:9,11 124:16 136:19,25 148:8 152:22 157:21 <b>understandable</b> 116:4 <b>understandably</b> 116:2 <b>understanding</b> 5:6 20:20 33:3,7,11 47:19 77:8,12,25 78:7 85:11 142:5 151:4 <b>understood</b> 38:19 45:11,12 46:14,20 75:22 76:10 77:6,19 85:7 <b>united</b> 1:1 32:2,3 <b>university</b> 8:25 <b>unknown</b> 47:23 <b>unsigned</b> 25:1 <b>untoward</b> 105:16 <b>upper</b> 87:6 96:2,3 103:2 109:2 <b>urging</b> 49:7,7 <b>use</b> 63:12 64:8 110:8 116:18 127:4,10,21 138:20 <b>uses</b> 25:5 <b>usually</b> 62:24 93:24 <b>utter</b> 46:10,10,12 51:13 <b>uttered</b> 102:15 132:5	<b>v</b> <b>v</b> 68:21 161:17 162:5 <b>vaguely</b> 141:2 <b>vast</b> 137:5 <b>verbal</b> 11:24 <b>veritext</b> 4:5,16 <b>version</b> 82:10 <b>versus</b> 4:10 <b>veselka</b> 17:19 18:4 <b>vice</b> 8:19 <b>video</b> 2:4,6,7 91:2 99:9,10,12 116:22 <b>videographer</b> 3:5 4:3 78:21,25 79:7 79:10 138:8,10,15 158:22 <b>videotaped</b> 1:5,14 <b>view</b> 49:8 63:4 75:18 122:21 <b>viewed</b> 123:11,11 <b>violating</b> 93:20 <b>virtually</b> 138:1 <b>visualize</b> 107:8 <b>vouching</b> 48:6	106:15 114:12 127:8 131:23 135:13 <b>waivers</b> 59:9 <b>walked</b> 117:1 <b>wall</b> 19:15 <b>want</b> 21:20 28:12 39:24 40:6,7 41:16 43:7,12,14 44:18 49:18 60:13 67:6 76:2 88:13 93:20 103:9 118:7 <b>wanted</b> 18:8,17 28:12 54:22 60:11 73:17 80:4,5 114:7 116:3 123:15 141:13 <b>wants</b> 141:3 143:22 <b>war</b> 64:18 <b>warning</b> 150:17,20 152:25 <b>way</b> 43:6 51:6 52:13 57:8 69:23 70:15 89:7,8,16 91:1 92:20 113:6 114:18 117:2 149:9 <b>we've</b> 76:20 99:8 138:10 <b>weeks</b> 17:14 <b>westfield</b> 2:16 <b>whatsoever</b> 35:11 <b>whereof</b> 160:18 <b>whichever</b> 41:16 <b>whoa</b> 81:17,17,18 <b>willing</b> 50:22 <b>winston</b> 31:8 67:20 68:24 70:4,15,24 71:9 <b>wisely</b> 138:20 <b>withdraw</b> 52:11 58:12 73:13 76:7 79:25 137:16 <b>withdrawal</b> 82:17 83:23 84:23
<b>u</b> <b>u.s.</b> 4:11 124:12 <b>u.s.c.</b> 31:23 139:9 163:14 <b>ultimate</b> 116:12 <b>ultimately</b> 56:24 90:5 114:21,24 131:14 <b>unavailable</b> 47:2 <b>uncertain</b> 85:15 <b>unclear</b> 12:24 103:10 155:25 <b>uncomfortable</b> 26:19 78:14 <b>underlined</b> 89:24		<b>w</b> <b>w</b> 2:23 4:19 164:13 <b>wait</b> 42:16 47:16 56:17 58:21,21,21 66:12 77:14,15 81:16,17,17,17 120:19 158:7 <b>waiting</b> 74:20 75:12 102:4 135:2 <b>waive</b> 41:24 42:2 <b>waived</b> 59:7 63:19 64:1 99:23 101:21 101:22,24 143:16 <b>waiver</b> 7:1 18:19 39:4,18,19,20 40:2 41:6,22 42:4,4 43:10,16 44:6,14 45:18 46:13,16,23 51:15 53:14 100:25	

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400

[withdrawing - york]

Page 28

<b>withdrawing</b> 17:3 106:6	<b>working</b> 19:18 99:15 100:10 101:5 135:5,19 138:3
<b>withdrawn</b> 106:14 106:16 158:14	<b>works</b> 9:23 164:7
<b>withdrew</b> 57:9,13 73:19 75:16 83:2,9 149:13	<b>write</b> 22:19,25 93:11 97:19 111:7
<b>withhold</b> 42:22	<b>writes</b> 129:7 150:24
<b>witness</b> 4:12,16 11:6 20:15 38:9,20,25 40:16,20,23 41:3,18 42:8 43:4 47:1,7,22 48:11 50:21,23 51:18 52:6 57:3 59:14 64:3 77:18 90:24 91:9 92:22 93:19 117:5 127:20 149:17 160:18	<b>writing</b> 37:7 89:25 90:6 94:10
<b>witnesses</b> 42:12 84:15 85:4	<b>writings</b> 89:22
<b>woman</b> 75:4	<b>written</b> 27:16 88:2 90:9
<b>wonderful</b> 64:17	<b>wrong</b> 143:12 158:5
<b>woods</b> 33:17 54:15 54:16 55:9 107:14 117:19 118:1 126:3 126:4,6 128:11 129:8 161:19 163:3 163:7	<b>wrote</b> 69:22 82:15 111:13 143:14
<b>word</b> 48:15 118:8	<b>x</b>
<b>words</b> 46:10 51:13 74:2 77:11 101:9,10	<b>x</b> 161:1
<b>work</b> 5:23 6:6,12 15:18 16:9,14 24:3 24:3 40:10 46:21 47:11,12 49:12,12 58:24 59:1,3,8 63:17 73:23 85:5 91:7,7 92:16 116:6 116:7 117:11,21 118:21,23 119:4,12 119:24 120:9,13 121:8 128:7 143:15 152:21,23	<b>y</b>
<b>worked</b> 14:20 23:8 23:12 71:8	<b>yaiguaje</b> 21:11 161:17
	<b>yanza</b> 30:1,4,12
	<b>yeah</b> 14:7 25:2,2 28:1 34:20 62:24 71:23 75:17 76:24 89:1 94:14 104:22 114:12 138:10
	<b>years</b> 9:4,10,21,22 11:4,12 15:17 16:2 122:17 158:12
	<b>yesterday</b> 15:20
	<b>york</b> 1:2 2:3,3 4:11 8:19 10:12 16:22 17:8,8 19:14 20:2 31:3 34:14 35:1,22 40:20 41:18 47:10 98:25 116:23 117:8

VERITEXT REPORTING COMPANY

212-267-6868

www.veritext.com

516-608-2400